AND FOURTEEN

MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2014 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2014 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2014, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2014. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

DISTRICT ATTORNEYS

Bristol District Attorney

0340-0900 ..... $200,000

0340-0998 ..... $250,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary for Administration and Finance

1599-2013 ..... $670,000

1599-4444 ..... $11,095,037

Group Insurance Commission

1108-5200 ..... $16,000,000

Human Resources Division

1750-0300 ..... $1,766,344

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary of Health and Human Services

4000-0005 ..... $4,800,000

Department of Elder Affairs

9110-1455 ..... $1,019,000

Department of Youth Services

4200-0200 ..... $3,030,853

4200-0300 ..... $4,873,738

Department of Children and Families

4800-0015 ..... $1,650,000

4800-1100 ..... $1,130,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-0101 ..... $32,476,306

7004-0103 ..... $12,640,246

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Chief Medical Examiner

8000-0122 ..... $150,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2014. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary for Administration and Finance

1599-4000 For a reserve to support community colleges that serve a critical role in creating opportunity for local communities of the highest need provided, that $3,000,000 shall be provided to Roxbury Community College $7,500,000

1599-4705 For a reserve to fund immediate and necessary costs at the sheriffs' departments.....$14,566,634

1599-6901 For the fiscal year 2014 annualized costs of the human service provider salary increases funded in item 1599-6901 of chapter 139 of the acts of 2012; provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2014 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means..... $10,695,490

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary of Health and Human Services

4000-0114 For an enhanced training grant program aimed at reducing direct care staff turnover rates that would provide one-time bonus payments to human service provider staff who complete additional training.....$1,000,000

Department of Public Health

4516-1005 For the department of public health, which may expend not more than $120,000 generated by fees collected from providers and/or insurers for sexually transmitted infections testing performed at the state laboratory institute; provided, that revenues collected may be used to supplement the costs of the laboratory; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate, as reported in the state accounting system..... $120,000

Department of Mental Health

5095-1016 For the department of mental health, which may expend not more than $500,000 in revenue collected from occupancy fees charged to the tenants of the state hospitals; provided, that all fees collected shall be expended to support the costs to sustain operations of the facilities; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate, as reported in the state accounting system $500,000

EXECUTIVE OFFICE FOR LABOR AND WORKFORCE DEVELOPMENT

Office of the Secretary for Labor and Workforce Development

7003-0608 For the underground economy division $250,000

Soldiers Homes Under Department of Veterans Services

SECTION 3. Section 16 of chapter 6A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 31 to 35, inclusive, the words ", the Massachusetts commission for the deaf and hard of hearing and the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke; (5) the department of veterans' services under the direction of the secretary of veterans' services, who shall be appointed by the governor" and inserting in place thereof the following words:- and the Massachusetts commission for the deaf and hard of hearing; (5) the department of veterans' services under the direction of the secretary of veterans' services, who shall be appointed by the governor, which shall include the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke.

Codify the Office of Access and Opportunity

SECTION 4. (A) The introductory paragraph of section 4A of chapter 7 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The executive office shall also include an office of access and opportunity.

(B) Said section 4A of said chapter 7, as so appearing, is hereby further amended by inserting after paragraph (e) the following paragraph:-

(f) The office of access and opportunity shall be headed by an assistant secretary for access and opportunity who shall be appointed by the secretary with the approval of the governor. The assistant secretary shall be a person who has at least 5 years experience in the area of civil rights or diversity and inclusion efforts. The office shall: (1) promote non-discrimination and equal opportunity in all aspects of executive agency decision-making and operations, including but not limited to, employment activity, procurement activity, policymaking and implementation and access to executive agency services; (2) review and recommend improvements to executive agency programs, activities and services to ensure that said programs, activities and services are administered in a non-discriminatory manner; (3) review and recommend improvements to executive agency programs, activities and services to foster economic opportunity for all persons; and (4) with the approval of the secretary, take administrative actions, including but not limited to, promulgating administrative bulletins and other policy guidance to promote and ensure nondiscrimination and equal opportunity in the policies, services, programs and activities of executive agencies. The office shall report annually the results of its effort to the chairs of the joint committee on state administration and regulatory oversight.

Department of Public Safety Enforcement of Civil Fines

SECTION 5. (A) Subsection (a) of section 21 of chapter 22 of the General Laws, added by section 35 of chapter 68 of the acts of 2011, is hereby amended by inserting after clause (1) the following clause:- (1½) section 20;.

(B) Said section 21 of said chapter 22, as so added, is hereby further amended by inserting, in line 22, after the word "inclusive,", the first time it appears, the following words:- section 46,.

Changes to Apprenticeship Laws

SECTION 6. (A) Section 11E of chapter 23 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 2, the words “to consist of 8 members, 6 of whom”, and inserting in place thereof the following words:- to consist of 10 members, 8 of whom.

(B) Said section 11E of said chapter 23, as so appearing, is hereby further amended by inserting after the fourth sentence the following sentence: - The 2 remaining appointive members shall be members of the public who shall be appointed for terms of 3 years.

(C) Section 11F of said chapter 23, as so appearing, is hereby amended by striking out, in line 3, the word “training” and inserting in place thereof the following word:- standards.

(D) Section 11G of said chapter 23, as so appearing, is hereby amended by striking out, in line 8, the words “same trade or group of trades” and inserting in place thereof the following words:- same occupation or group of occupations.

(E) Section 11H of said chapter 23, as so appearing, is hereby amended by inserting after the word “apprenticed”, in line 13, the following words: - , or in the case of licensed occupations, as required by regulations of the licensing board.

(F) Said section 11H of said chapter 23, as so appearing, is hereby further amended by striking out, in line 15, the words “a skilled trade” and inserting in place thereof the following words:- an occupation.

(G) Said section 11H of said chapter 23, as so appearing, is hereby further amended by inserting after the definition of “Apprentice program sponsor”, the following definition: - “Department”, the department of labor standards.

(H) Said section 11H of said chapter 23, as so appearing, is hereby further amended by striking out, in line 29, the words “apprentice training” and inserting in place thereof the following words:- the department.

(I) Said section 11H of said chapter 23, as so appearing, is hereby further amended by striking out, in line 31, the word “training” and inserting in place thereof the following word:- standards.

(J) Said section 11H of said chapter 23, as so appearing, is hereby further amended by inserting after the definition of “Division”, the following definition: - “Licensing entity”, a state agency, including the division of professional licensure, established by section 8 of chapter 113, and the department of public safety, established by section 1 of chapter 22, which issues licenses to individuals to engage in occupations.

(K) Said section 11H of said chapter 23, as so appearing, is hereby further amended by striking out, in line 34, the words “trade or”.

(L) Section 11*I* of said chapter 23, as so appearing, is hereby amended by inserting after the word “apprenticed”, in line 9, the following words:- , or in the case of licensed trades, as required by the regulations of the licensing entity, as applicable,.

(M) Section 11*I* of said chapter 23, as so appearing, is hereby further amended by striking out, in lines 13 and 14, the words “, averaging at least ½ of the rate of pay of a journey person over a similar period”.

(N) Section 11*I* of said chapter 23, as so appearing, is hereby further amended by striking out, in lines 19 and 20, the words “6 months”, and inserting in place thereof the following words:- the lesser of (i) 1 year or (ii) 25 per cent of the length of the apprentice program from the date.

(O) Section 11K of said chapter 23, as so appearing, is hereby amended by inserting after the word “learned”, in line 19, the following words:- ; or in the case of licensed trades, as required by the regulations of the licensing entity, as applicable,.

(P) Section 11T of said chapter 23, as so appearing, is hereby amended by inserting after the figure “10”, in lines 36 and 38, in each instance, the following word:- business.

(Q) Section 11U of said chapter 23, as so appearing, is hereby amended by inserting after the figure “10”, in line 18, the following word:- business.

(R) Section 11W of said chapter 23, as so appearing, is hereby amended by striking out, in line 4, the figure “$35”.

(S) Said section 11W of said chapter 23, as so appearing, is hereby further amended by inserting after the word “prints”, in line 5, the following words:- and such other information.

(T) Said section 11W of said chapter 23, as so appearing, is hereby further amended by inserting after the word “director”, in line 6, the following words:- , except that a veteran receiving education benefits from the Department of Veterans Affairs under Title 38 of the United States Code shall not be required to pay a fee.

(U) Said section 11W of said chapter 23, as so appearing, is hereby further amended by striking out, in line 8, the words “of $35”.

(V) Said section 11W of said chapter 23, as so appearing, is hereby further amended by striking out, in line 12, the word “deputy”.

Codify the Joint Enforcement Task Force on the Underground Economy

SECTION 7. (A) Chapter 23 is hereby amended by adding the following section:-

Section 25. (a) There shall be within the department of labor standards an underground economy division. The director of the division shall support the efforts of the coordinating council established in subsection (b) and provide suitable meeting space and such clerical and other assistance as the director and the council may deem necessary.

(b) There shall be a coordinating council on the underground economy. The council shall coordinate joint efforts to combat the underground economy and employee misclassification, including efforts to: (i) foster compliance with the law by educating business owners and employees about applicable requirements; (ii) conduct joint, targeted investigations and enforcement actions against violators; (iii) protect the health, safety and benefit rights of workers; and (iv) restore competitive equality for law-abiding businesses.

(c) The council shall consist of the following members or their designees: the secretary of labor and workforce development, who shall serve as the chair, the director of the department of unemployment assistance, the director of the department of industrial accidents, the director of labor standards, the commissioner of revenue, the chief of the attorney general's fair labor division, the commissioner of the department of public safety, the director of the division of professional licensure, the commissioner of the

division of capital asset management and maintenance, the chairman of the alcoholic beverages control commission, the chairman of the Massachusetts commission against discrimination, the commissioner of the division of banks, the executive director of the Massachusetts office of refugees and immigrants, the executive director of the office of small business and entrepreneurship, the executive director of the supplier diversity office and the executive director of the insurance fraud bureau. Additional members may be added at the discretion of the director of the department of labor standards.

(d) The council shall:

(1) facilitate timely information sharing between and among council members, including through the establishment of protocols by which participating agencies will advise or refer to other agencies matters of potential investigative interest;

(2) identify those industries and sectors where the underground economy and employee misclassification are most prevalent and target council members' investigative and enforcement resources against those sectors, including through the formation of joint investigative and enforcement teams;

(3) assess existing investigative and enforcement methods, both in the commonwealth and in other jurisdictions, and develop and recommend strategies to improve those methods;

(4) encourage businesses and individuals to identify violators by soliciting information from the public, facilitating the filing of complaints and enhancing the available mechanisms by which workers can report suspected violations;

(5) solicit the cooperation and participation of district attorneys and other relevant enforcement agencies, including the insurance fraud bureau, and establish procedures for referring cases to prosecuting authorities as appropriate;

(6) work cooperatively with employers, labor and community groups to diminish the size of the underground economy and reduce the number of employee misclassifications by, among other means, disseminating educational materials regarding the applicable laws, including the legal distinctions between independent contractors and employees and increasing public awareness of the harm caused by the underground economy and employee misclassification;

(7) work cooperatively with federal, state and local social services agencies to provide assistance to vulnerable populations that have been exploited by the underground economy and employee misclassification, including, but not limited, to immigrant workers;

(8) identify potential regulatory or statutory changes that would strengthen enforcement efforts, including any changes needed to resolve existing legal ambiguities or inconsistencies, as well as potential legal procedures for facilitating individual enforcement efforts; and

(9) consult with representatives of business and organized labor, members of the general court, community groups and other agencies to discuss the activities of the council and its members and ways of improving its effectiveness.

(e) The department of labor standards shall transmit an annual report to the governor summarizing the council's activities during the preceding year. The report shall, without limitation: (i) describe the council's efforts and accomplishments during the year; (ii) identify any administrative or legal barriers impeding the more effective operation of the council, including any barriers to information sharing or joint action; (iii) propose, after consultation with representatives of business and organized labor, members of the legislature and other agencies, appropriate administrative, legislative or regulatory changes to strengthen the council's operations and enforcement efforts and reduce or eliminate any barriers to those efforts; and (iv) identify successful preventative mechanisms for reducing the extent of the underground economy and employee misclassification, thereby reducing the need for greater enforcement. The council shall also take appropriate steps to publicize its activities.

(f) Notwithstanding any law to the contrary, every agency within the executive branch shall make all reasonable efforts to cooperate with the division and the council and to furnish such information and assistance as the division and council reasonably deem necessary to accomplish its purposes.

(B) Section 21 of chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 158 to 160, inclusive, the words "Joint Enforcement Task Force on the Underground Economy and Employee Misclassification, established by Executive Order 499," and inserting in place thereof the following words:- coordinating council on the underground economy and the underground economy division, established by section 25 of chapter 23.

One-time Settlements to Stabilization Fund

SECTION 8. (A) Section 2H of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the word "section", in line 40, the following words:- , but only to the extent that the total of all such 1-time settlements and judgments exceeds the median of such total for the 5 fiscal years

preceding the immediately preceding fiscal year, as determined by the secretary of administration and finance.

(B) The third paragraph of said section 2H of said chapter 29, as so appearing, is hereby further amended by adding the following sentence:- Any constitutional office in receipt of such a non-tax 1-time settlement or judgment shall notify the attorney general not later than 10 days after receipt of such settlement or judgment.

Changes to Health Care Security Trust Fund

SECTION 9. (A) Chapter 29D of the General Laws is hereby repealed.

(B) Paragraph (a) of section 24 of chapter 32A of the General Laws, as amended by section 7 of chapter 36 of the acts of 2013, is hereby further amended by striking out the words "Health Care Security Trust board of trustees established in section 4 of chapter 29D" and inserting in place thereof the following words:- State Retiree Benefits Trust Fund board of trustees established in section 24A.

(C) Paragraph (b) of said section 24 of said chapter 32A, as appearing in the 2012 Official Edition, is hereby amended by inserting after the second sentence the following 2 sentences:-

In addition, 30 per cent of all payments received by the commonwealth in fiscal year 2015 under the master settlement agreement in Commonwealth of Massachusetts v. Philip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378, shall be deposited in the State Retiree Benefits Trust Fund, and the balance of funds received in fiscal year 2015 shall be deposited in the General Fund. The amount of these payments to be deposited in the State Retiree Benefits Trust Fund shall be increased by 10 percentage points in fiscal year 2016 and in each subsequent fiscal year until the amount to be deposited reaches 100 per cent of the payments.

(D) Said section 24 of said chapter 32A, as so appearing, is hereby further amended by adding the following 3 paragraphs:-

(i) All transactions affecting the trust fund including, but not limited to, all amounts credited to and all expenditures, transfers or allocations made from the trust fund, shall be recorded by subsidiary on the Massachusetts management accounting and reporting system.

(j) The trust fund shall be classified by the comptroller as a nonbudgeted fund of the commonwealth. Amounts credited to the trust fund, including both principal and earnings, shall not be subject to the calculation of the consolidated net surplus under sections 2H and 5C of chapter 29.

(k) The attorney general shall file a quarterly report with the state comptroller, the state budget director and the house and senate committees on ways and means which shall include, but not be limited to, the following: (i) an updated schedule of payments due the commonwealth under the master settlement agreement referenced in paragraph (b); (ii) an analysis of any imminent factors that may affect the industry's ability to generate those payments to the commonwealth; (iii) a detailed account of the analysis and methodology used to determine the variations associated with the schedule of payments; (iv) an explanation of the financial impact that those variations in the schedule of payments shall have upon the amount due to the commonwealth and the industry's obligation to the commonwealth; and (v) an itemized account of all amendments that have been made to the master settlement agreement.

(E) Said chapter 32A of the General Laws is hereby further amended by inserting after section 24 the following section:-

Section 24A. (a) The State Retiree Benefits Trust Fund shall be managed by a board to be known as the State Retiree Benefits Trust Fund board of trustees, which shall have general supervision of the trust. The duties and obligations of the board shall be set forth in a declaration of trust to be adopted by the board. The declaration of trust and any amendments to it shall be filed with the general court, but if the general court takes no final action on the declaration or any amendments to it within 60 days of the date of the filing of the declaration or the amendments with the clerk of the house of representatives and the clerk of the senate, the declaration or amendments shall be considered to be approved.

(b) The board of trustees shall consist of 7 trustees, including the secretary of administration and finance or a designee, the executive director of the group insurance commission or a designee, the executive director of the public employee retirement administration commission or a designee, the state treasurer or a designee, the comptroller or a designee and 2 additional trustees, 1 of whom shall be appointed by the governor and 1 of whom shall be appointed by the state treasurer. The appointed trustees shall serve for terms of 5 years and shall be experienced in the field of investment, financial management, law and public management. Trustees shall be eligible for reappointment. The members of the board shall elect 1 of the trustees to serve as the chair.

(c) A trustee shall disclose in advance to the board any interest or involvement in any matter that is before the board. The disclosure shall be contemporaneously recorded in the minutes of the board. A trustee having such an interest or involvement shall not participate in any such matter.

(d) The board may select an executive director who shall serve at the pleasure of the board. Sections 9A, 45, 46 and 46C of chapter 30, chapter 31 and chapter 150E shall not apply to the executive director or any other employees of the board. The executive director shall, with the approval of the board: (i) plan, direct, coordinate and execute administrative and investment functions in conformity with the policies and directives of the board; (ii) employ professional and clerical staff as necessary; (iii) report to the board on all operations under the director's control and supervision; (iv) prepare an annual budget and manage the administrative expenses of the trust; and (v) undertake any other activities necessary to implement the powers and duties set forth in this section. If the board does not select an executive director, the chair shall perform all duties and functions of the executive director set forth in this section, or with the approval of the board, the chair may delegate duties to others.

(e) In addition to the other powers and duties defined in this section, the board shall approve or ratify decisions of the executive director, formulate policies and procedures considered necessary and

appropriate to carry out the purposes of the trust, maintain a record of its proceedings and undertake any other activities necessary to implement the duties and powers set forth in this section.

(f) All records of the trust, including the transactions of the trust fund, shall be a public record as defined in clause Twenty-sixth of section 7 of chapter 4.

(g) In any civil action brought against a trustee or employee of the State Retiree Benefits Trust Fund, acting within the scope of the trustee's or employee's official duties, the defense or settlement of which is made by the attorney general or by an attorney employed by the board, the trustee or employee shall be indemnified for all expenses incurred in the defense of the action and shall be indemnified for damages to the same extent as provided for public employees in chapter 258. No trustee or employee shall be indemnified for expenses in an action or damages awarded in an action in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the trustee or employee.

(F) Section 20 of chapter 32B of the General Laws, as so appearing, is hereby amended by striking out, in lines 15, 20 and 21 and 44, the words "Health Care Security Trust" and inserting in place thereof, in each instance, the following words:- State Retiree Benefits Trust Fund.

Posting Municipal Procurement Notices on Governmental Websites

SECTION 10. Section 5 of chapter 30B of the General Laws, as so appearing, is hereby amended by inserting after the word " body", in line 32, the following words:- or, in the alternative, on a public internet website of either the governmental body or of the commonwealth.

Duties of the Office of Chief Medical Examiner

SECTION 11. The first paragraph of section 3 of chapter 38 of the General Laws, as so appearing, is hereby amended by striking out clause (13).

Secure Vital Registry Trust Fund

SECTION 12. (A) The second paragraph of section 33 of chapter 46 of the General Laws, as so appearing, is hereby amended by adding the following 2 sentences:- This fee shall be determined annually by the secretary of administration and finance under section 3B of chapter 7. Notwithstanding any other general or special law to the contrary, the first $20 of this fee received by the town clerk that issues a certified copy from the database shall be retained by the town and the remainder shall be transmitted to the state treasurer for deposit into the Secure Vital Registry Trust Fund, established by section 35.

(B) Said chapter 46 is hereby further amended by adding the following section:-

Section 35. There shall be established on the books of the commonwealth a separate fund known as the Secure Vital Registry Trust Fund, to be expended without prior appropriation, by the department. The trust shall consist of revenues generated from fees collected after July1, 2014, as authorized by section 3B of chapter 7 and transmitted to the state treasurer pursuant to section 33. The commissioner or a designee shall be the trustee of the fund and shall make expenditures from the fund for the administrative costs of development, maintenance and operation of a centralized, automated database for the system of vital records and statistics. The department may incur expenses, and the comptroller may certify for payment amounts in anticipation of expected receipts; provided, however, that no expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of a fiscal year. Monies deposited in the trust fund that are unexpended at the end of a fiscal year shall not revert to the General Fund.

Simplify Appellate Tax Board Small Claims Process

SECTION 13. (A) Subsection (a) of section 7B of chapter 58A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Any case in which the amount of tax placed in dispute by the petition does not exceed (1) $25,000 for any taxable year, in the case of a tax imposed by taxable year; (2) $25,000 for any calendar year, in the case of a tax imposed by calendar year; (3) $25,000 for any calendar year, in the case of a tax imposed by chapters 64A to 64J, inclusive, and section 21 of chapter 138; (4)

$25,000 in the case of a tax imposed by chapter 65C; or (5) $25,000 for any taxable event or transaction in the case of any other tax; shall be governed by the small claims procedure unless the appellant affirmatively requests that the case be heard under the formal procedure.

(B) Said section 7B of said chapter 58A, as so appearing, is hereby further amended by striking out, in line 18, the figure "$5,000" and inserting in place thereof the following figure:- $25,000.

(C) Said section 7B of said chapter 58A, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) An appellant filing an appeal under the small-claims procedure shall pay to the clerk an entry fee as determined annually by the secretary of administration and finance under section 3B of chapter 7 and shall file a written statement of the facts of the case and of the amount claimed in abatement, together with such additional information as the clerk may require. The appellant shall also file a written waiver of the right to appeal to any court. Within 5 business days after receipt of the petition, the clerk shall notify the parties to confirm the scheduling of the appeal and serve a copy of the small claims procedure petition and affiliated information upon the commissioner of revenue. Within 25 business days after the service of the statement or at such other time as the board may order, the commissioner of revenue shall file with the board an answer similar to that required under the formal procedure provided by section 7.

(D) Said section 7B of said chapter 58A, as so appearing, is hereby further amended by striking out, in line 42, the word "subsection" and inserting in place thereof the following words:- subsections (a) and.

(E) Subsection (e) of said section 7B of said chapter 58A, as so appearing, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following 4 sentences:- The commissioner may also request that a matter be removed from the small claims procedure if: (1) there is a recurring issue of law and the impact of the issue on similarly situated taxpayers carries and aggregate value of over $250,000; or (2) the board determines that the issue to be addressed is not suitable for small claims resolution due to its complexity, unique nature or other compelling reason as determined by the

board in good faith. Upon any such removal or discontinuance, proceedings in the case shall be transferred to the formal docket and conducted under the formal procedure provided by section 7. The date on which the appellant's initial petition was received by the board shall be deemed the date of filing for the subsequent appeal under the formal procedure. The board shall allow sufficient time for the parties to modify their small claims submissions as needed to comply with the documentary requirements of the formal procedure, and the waiver of the right of appeal will be void.

Prohibition on Clinical Laboratory Self-Referrals

SECTION 14. (A) Section 1 of chapter 111D of the General Laws, as so appearing, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

(3) "Company", a corporation, partnership, limited liability company, limited liability partnership, an association, a trust or an organized group of persons, whether incorporated or not.

(B) Said section 1 of said chapter 111D, as so appearing, is hereby further amended by striking out clause (7) and inserting in place thereof the following 2 clauses:-

(6A) "Ownership interest", interests including, but not limited to, any membership, proprietary interest, shares of stock in a corporation, units or other interest in a partnership, bonds, debentures, notes or other equity interest or debt instrument or co-ownership in any form.

(7) "Person" and "whoever", corporations, societies, associations, partnerships, limited liability companies, limited liability partnerships, trusts, organized group of persons, whether incorporated or not, an individual or his estate upon his death, any other entity including but not limited to, medical practice, medical office, clinic, counseling center, substance abuse treatment program or sober house or a political subdivision of the commonwealth, but not an agency of the commonwealth.

(C) Section 8 of said chapter 111D, as so appearing, is hereby amended by adding the following subsection:-

(17) knowingly solicit, accept or test any specimen derived from the human body that is received from, ordered, requested or referred by: (a) any person or company in which the clinical laboratory, or its directors, owners, partners, employees or family members thereof, have any direct or indirect ownership interest; or (b) any person or company, or its directors, owners, partners, employees or family members thereof, having any direct or indirect ownership interest in the clinical laboratory; provided, however, this subsection shall not apply to a clinical laboratory owned by a licensed physician, or group of licensed physicians, used exclusively in connection with the diagnosis and treatment of said physician's or said group of physicians' own patients, and where all testing is performed by or under the direct supervision of said physician or said physicians; provided, further this subsection shall not apply to a hospital or clinic licensed under section 51 of chapter 111 used exclusively in connection with the diagnosis or treatment of the hospital's or clinic's own patients; provided further, this subsection shall not to apply to any case exempted under 42 U.S.C. section 1395nn(b)-(d), or specifically permitted by regulations or rules of the United States Secretary of Health and Human Services, the federal Centers for Medicare or Medicaid Services, the executive office of health and human services or the executive office of administration and finance.

(D) Said chapter 111D is hereby further amended by inserting after section 8 the following section:

Section 8A. It shall be a violation of this section for any person or company to knowingly refer, request, order or send any specimen derived from the human body for examination to a clinical laboratory in which the person or company, or any of its owners, directors, partners, employees or family members thereof have a direct or indirect ownership interest; provided, however, this section shall not apply to a clinical laboratory owned by a licensed physician, or group of licensed physicians, and used exclusively in connection with the diagnosis and treatment of said physician's or said group of physicians' own patients, and where all testing is performed by or under the direct supervision of said physician or said physicians; provided, further this subsection shall not apply to a hospital or clinic licensed under section 51 of chapter 111 used exclusively in connection with the diagnosis or treatment of the hospital's or clinic's own patients; provided further, this section shall not to apply to any case exempted under 42 U.S.C. section 1395nn(b)-(d), or specifically permitted by regulations or rules of the United States Secretary of Health and Human Services, the federal Centers for Medicare or Medicaid Services, the executive office of health and human services or the executive office of administration and finance.

(E) Said chapter 111D is hereby further amended by striking out section 13, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

Section 13. (a) Whoever maintains a clinical laboratory in the commonwealth without a license in violation of section 4 or whoever, being licensed under section 5 maintains a clinical laboratory in violation of the terms of such license, or whoever engages in, aids, abets, causes or permits any act prohibited under section 8, or whoever refers, requests, orders, or sends any specimen derived from the human body in violation of section 8A shall be punished by imprisonment for not more than 5 years in state prison, or by imprisonment in a jail or house of correction for not more than 2 and 1/2 years or by a fine of not more than $10,000 dollars, or by both such fine and imprisonment. The commissioner shall transmit to the attorney general such evidence of an offense as the department may have in its possession.

(b) If any person or company violates the provisions of subsection (17) of section 8 or section 8A of this chapter, the attorney general may bring a civil action, either in lieu of or in addition to a criminal prosecution, and may recover a civil penalty of not less than $5,000 and not more than $10,000 per violation, plus 3 times the amount of damages sustained, including consequential damages. A person violating subsection (17) of section 8 or section 8A shall also be liable to the commonwealth for the expenses of the civil action brought to recover any such penalty or damages, including without limitation reasonable attorney's fees, reasonable expert's fees and the costs of investigation. No action shall be brought under this section more than 6 years after it accrues. The commissioner shall transmit to the attorney general such evidence of an offense as the department may have in its possession.

(c) Any person or company that solicits, offers or enters into a referral arrangement or scheme with a clinical laboratory which the person or company knows or should know has a principal purpose of assuring referrals by the person or company to a particular clinical laboratory which, if the person or company directly made referrals to such clinical laboratory, would be in violation of subsection (17) of section 8 or in violation of section 8A, shall be liable to the commonwealth for a civil penalty of not more than $100,000 for each referral arrangement or scheme plus 3 times the amount of damages sustained, including consequential damages. No action shall be brought under this section more than 6 years after it accrues. The commissioner shall transmit to the attorney general such evidence of an offense as the department may have in its possession.

(F) Said chapter 111D is hereby further amended by adding the following section:-

Section 14. Pursuant to the authority of the department under subsection (8) of section 2, the department shall require all clinical laboratories to disclose all ownership interests in writing to the department every 2 years. Such disclosure shall contain the name and ownership interest of the disclosing person or company, as well as the names and all ownership interests of all other parties with an ownership interest

in the clinical laboratory. A copy of said disclosure shall be provided by the clinical laboratory to the attorney general. Failure to provide said disclosure may result in a fine not more than $5,000.

Estate Recovery – Updates to the Uniform Probate Code

SECTION 15. (A) Section 32 of chapter 118E of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 5 and 6, 15 and 16, 18, 23, 28, 45 and 46, 63, 68 and 69, 76, 78, 98 and 101 and 102, the words "executor or administrator" and inserting in place thereof, in each instance, the following words: - personal representative.

(B) Said section 32 of said chapter 118E, as so appearing, is hereby further amended by inserting after the word "mail", in line 5, the following words:- in accordance with sections 3-306(f) and 3-403(f) of chapter 190B.

(C) Said section 32 of said chapter 118E, as so appearing, is hereby further amended by striking out, in lines 21 and 83, the words "section 9 of chapter 197" and inserting in place thereof, in each instance, the following words:- section 3-803 of chapter 190B.

(D) Section 3-306 of chapter 190B of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(g) The petitioner shall give written notice 7 days prior to petitioning for informal probate or appointment by sending a copy of the petition and death certificate by certified mail to the division of medical assistance.

(E) Section 3-403 of said chapter 190B, as so appearing, is hereby amended by adding the following subsection:-

(g) The petitioner shall give notice by certified mail to the division of medical assistance together with a copy of the petition and death certificate.

(F) Section 3-1201 of said chapter 190B, as so appearing, is hereby amended by inserting after the word "person", in line 5, the following words:- or, in the case of a person who at his death, was receiving services from the department of mental health, the department of developmental services or the division of medical assistance, any person designated to act as a voluntary personal representative of the estate of such person by the department of mental health, the department of developmental services or the division of medical assistance,.

(G) Said section 3-1201 of said chapter 190B, as so appearing, is hereby further amended by inserting after the word "mail", in line 35, the following words:- at least 7 days before filing.

Notice to Court of Bed Capacity for Civil Commitments

SECTION 16. The fourth paragraph of section 35 of chapter 123 of the General Laws, as so appearing, is hereby amended by striking out the fourth, fifth and sixth sentences and inserting in place thereof the following 4 sentences:- The person may be committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female, if there are not suitable facilities available under said chapter 111B, upon a finding by the court that commitment to a correctional institution is necessary to protect the person or others from serious harm and is likely to further the person's rehabilitation. These persons so committed shall be housed and treated separately from convicted criminals. These persons shall, upon release, be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for that purpose. The department of mental health, in conjunction with the department of public health, shall maintain a roster of public and private facilities available, together with

the number of beds currently available, for the care and treatment of alcoholism or substance abuse and shall make the roster available to the district courts on a weekly basis.

Conform Worksharing Plan to Federal Laws

SECTION 17. Chapter 151A of the General Laws is hereby amended by striking out section 29D, as so appearing, and inserting in place thereof the following section:-

Section 29D. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

(1) "Affected unit", a specified plant, department, shift or other definable unit that includes 2 or more workers to which an approved worksharing plan applies.

(2) "Director", the director of the department or the director's authorized representative.

(3) "Health and retirement benefits", health benefits, and retirement benefits provided by an employer under a defined benefit pension plan as defined in section 414(j) of the Internal Revenue Code, or contributions under a defined contribution plan defined in section 414(i) of said Code, which are incidents of employment in addition to the cash remuneration earned.

(4) "Worksharing benefits", the unemployment benefits payable to employees in an affected unit under an approved worksharing plan, as distinguished from the unemployment benefits otherwise payable under the unemployment compensation provisions of this chapter.

(5) “Worksharing plan”, a plan submitted by an employer, for approval by the director, under which the employer requests the payment of worksharing benefits to workers in an affected unit of the employer to avert layoffs.

(6) “Usual weekly hours of work”, the usual hours of work for full-time or regular part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work.

(7) “Unemployment compensation”, the unemployment benefits payable under this chapter other than worksharing benefits, including any amounts payable pursuant to an agreement under any Federal law providing for compensation, assistance or allowances with respect to unemployment.

(b) An employer wishing to participate in a worksharing program shall submit a signed written worksharing plan and application form to the director for approval. The director shall develop an application form to request approval of a worksharing plan and an approval process. The application shall include:

(1) The affected unit or units covered by the plan, including the number of full-time or part-time workers in such unit, the percentage of workers in the affected unit covered by the plan, identification of each individual employee in the affected unit by name, social security number and the employer's unemployment tax account number, and any other information required by the director to identify plan participants.

(2) A description of how workers in the affected unit will be notified of the employer's participation in the worksharing program if such application is approved, including how

the employer will notify those workers in a collective bargaining unit, as well as any workers in the affected unit who are not in a collective bargaining unit. If the employer will not provide advance notice to workers in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice.

(3) A requirement that the employer identify the usual weekly hours of work for employees in the affected unit and the specific percentage by which their hours will be reduced during all weeks covered by the plan. An application shall specify the percentage of reduction for which a worksharing application may be approved which shall be not less than 10 percent and not more than 60 percent. If the plan includes any week for which the employer regularly provides no work due to a holiday or other plant closing, then such week shall be identified in the application.

(4) Certification by the employer that, if the employer provides health and retirement benefits to any employee whose usual weekly hours of work are reduced under the program, such benefits will continue to be provided to employees participating in the worksharing program under the same terms and conditions as though the usual weekly hours of work of such employee had not been reduced or to the same extent as other employees not participating in the worksharing program.

For defined benefit retirement plans, the hours that are reduced under the worksharing plan shall be credited for purposes of participation, vesting and accrual of benefits as though the usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be less due to the reduction in the employee's compensation.

Notwithstanding the above, an application may contain the required certification when a reduction in health and retirement benefits scheduled to occur during the duration of the plan will be applicable equally to employees who are not participating in the worksharing program and to those employees who are participating.

(5) Certification by the employer that the aggregate reduction in work hours is in lieu of temporary or permanent layoffs, or both. The application shall include an estimate of the number of workers who would have been laid off in the absence of the worksharing plan. The plan shall not serve as a subsidy of seasonal employment during the off season, nor as a subsidy of temporary part-time or intermittent employment.

(6) Agreement by the employer to: furnish reports to the director relating to the proper conduct of the plan; allow the director or the director's authorized representatives access to all records necessary to approve or disapprove the plan application, and after approval of a plan, to monitor and evaluate the plan; and follow any other directives the director deems necessary for the agency to implement the plan and that are consistent with the requirements for plan applications.

(7) Certification by the employer that participation in the worksharing plan and its implementation are consistent with the employer's obligations under applicable Federal and state laws.

(8) The effective date and duration of the plan that shall expire not later than the end of the twelfth full calendar month after the effective date.

(9) Any other provision added to the application by the director that the United States Secretary of Labor determines to be appropriate for purposes of a worksharing program.

(c) The director shall approve or disapprove a worksharing plan in writing within 15 days of its receipt and promptly communicate the decision to the employer. The disapproval shall be final, but the employer shall be allowed to submit another worksharing plan for approval not earlier than 7 days from the date of the disapproval.

(d) A worksharing plan shall be effective on the date that is mutually agreed upon by the employer and the director, which shall be specified in the notice of approval to the employer. The plan shall expire on the date specified in the notice of approval, which shall be either the date at the end of the twelfth full calendar month after its effective date or an earlier date mutually agreed upon by the employer and the director; provided, however, that if a worksharing plan is revoked by the director under subsection (e), the plan shall terminate on the date specified in the director's written order of revocation. An employer may terminate a worksharing plan at any time upon written notice to the director. Upon receipt of such notice from the employer, the director shall promptly notify each employee of the affected unit of the termination date. An employer may submit a new application to participate in another worksharing plan at any time after the expiration or termination date.

(e) The director may revoke approval of a worksharing plan for good cause at any time, including upon the request of any of the affected unit's employees. The revocation order shall be in writing and shall specify the reasons for the revocation and the date the revocation is effective.

The director may periodically review the operation of each employer's worksharing plan to assure that no good cause exists for revocation of the approval of the plan. Good cause shall include, but not be limited to, failure to comply with the assurances given in the plan, unreasonable revision of productivity

standards for the affected unit, conduct or occurrences tending to defeat the intent and effective operation of the worksharing plan and violation of any criteria on which approval of the plan was based.

(f) An employer may request a modification of an approved plan by filing a written request with the director. The request shall identify the specific provisions proposed to be modified and provide an explanation of why the proposed modification is appropriate for the worksharing plan. The director shall approve or disapprove the proposed modification in writing within 15 days of receipt and promptly communicate the decision to the employer.

The director, as a matter of discretion, may approve a request for modification of the plan based on conditions that have changed since the plan was approved, provided that the modification is consistent with and supports the purposes for which the plan was initially approved. A modification does not extend the expiration date of the original plan, and the director must promptly notify the employer whether the plan modification has been approved and, if approved, the effective date of the modification.

An employer is not required to request approval of a plan modification from the director if the change is not substantial, but the employer must report every change to the plan to the director promptly and in writing. The director may terminate an employer's plan if the employer fails to meet this reporting requirement. If the director determines that the reported change is substantial, the director shall require the employer to request a modification to the plan.

(g) An individual is eligible to receive worksharing benefits with respect to any week only if the individual is monetarily eligible for unemployment compensation, not otherwise disqualified for unemployment compensation and:

(1) During the week, the individual is employed as a member of an affected unit under an approved worksharing plan, which was approved prior to that week, and the plan is in effect with respect to the week for which worksharing benefits are claimed.

(2) Notwithstanding any other provisions of this chapter relating to availability for work and actively seeking work, the individual is available for the individual's usual hours of work with the worksharing employer, which may include, for purposes of this section, participating in training to enhance job skills that is approved by the director such as employer-sponsored training or training funded under the Workforce Investment Act of 1998.

(3) Notwithstanding any other provision of law, an individual covered by a worksharing plan is deemed unemployed in any week during the duration of such plan if the individual's remuneration as an employee in an affected unit is reduced based on a reduction of the individual's usual weekly hours of work under an approved worksharing plan.

(h)(1)The worksharing weekly benefit amount shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the individual's usual weekly hours of work.

(2) An individual may be eligible for worksharing benefits or unemployment compensation, as appropriate, except that no individual shall be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation, nor shall an individual be paid worksharing benefits for more than 52 weeks under a worksharing plan.

(3) The worksharing benefits paid to an individual shall be deducted from the maximum entitlement amount of regular unemployment compensation established for that individual's benefit year.

(4) Provisions applicable to unemployment compensation claimants shall apply to worksharing claimants to the extent that they are not inconsistent with worksharing provisions. An individual who files an initial claim for worksharing benefits shall receive a monetary determination.

(5) The following provisions apply to individuals who work for both a worksharing employer and another employer during weeks covered by the approved worksharing plan:

(i) If combined hours of work in a week for both employers does not result in a reduction of at least 10 percent or, if higher, the minimum percentage of reduction required to be eligible for a worksharing benefit as provided in this section, of the usual weekly hours of work with the worksharing employer, the individual shall not be entitled to benefits under these worksharing provisions.

(ii) If the combined hours of work for both employers results in a reduction equal to or greater than 10 percent or, if higher, the minimum percentage reduction required to be eligible for a worksharing benefit as provided in state law, of the usual weekly hours of work for the worksharing employer, the worksharing benefit amount payable to the individual is reduced for that week and is determined by multiplying the weekly unemployment benefit amount for a week of total unemployment by the percentage by which the combined hours of work have been reduced by 10 percent or, if higher, the minimum percentage reduction required to be eligible for a

worksharing benefit as provided in this section, or more of the individual's usual weekly hours of work. A week for which benefits are paid under this provision shall be reported as a week of worksharing.

(iii) If an individual worked the reduced percentage of the usual weekly hours of work for the worksharing employer and is available for all of the individual's usual hours of work with the worksharing employer, and the individual did not work any hours for the other employer, either because of the lack of work with that employer or because the individual is excused from work with the other employer, the individual shall be eligible for worksharing benefits for that week. The benefit amount for such week shall be calculated as provided in subsection (i).

(6) An individual who is not provided any work during a week by the worksharing employer, or any other employer, and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which the individual would otherwise be eligible.

(7) An individual who is not provided any work by the worksharing employer during a week, but who works for another employer and is otherwise eligible may be paid unemployment compensation for that week subject to the disqualifying income and other provisions applicable to claims for regular compensation.

(i) Worksharing benefits shall be charged to employers' experience rating accounts in the same manner as unemployment compensation is charged under this chapter. Employers liable for payments in lieu of contributions shall have worksharing

benefits attributed to service in their employ in the same manner as unemployment compensation is attributed.

(j) An individual who has received all of the worksharing benefits or combined unemployment compensation and worksharing benefits available in a benefit year shall be considered an exhaustee for purposes of extended benefits, as provided under the provisions of section 30A, and if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

(k) Notwithstanding any other provision of this chapter relating to charges, all worksharing benefits shall be charged to the account of the worksharing employer. Benefits paid under this section shall be charged to the employer's account in the same manner as regular benefits are charged, except that, if the employer's account reserve percentage is negative as of the most recent computation date, the employer shall be charged and billed in accordance with the provisions of section 14A as if the employer had elected to make payments in lieu of contributions. Benefits paid under this section to employees of employers who have elected to make payments in lieu of contributions shall be charged in accordance with said section 14A.

(l) The director may utilize any remedies provided by this chapter to recover worksharing benefits that were improperly paid as a result of information that was substantially misleading or that contained a material misrepresentation of fact and was submitted to the director in connection with the approval, modification or implementation of a worksharing plan.

Conform to Federal Guidance on Section 125 Plans

SECTION 18. (A) Chapter 151F of the General Laws is hereby repealed.

(B) Sections 9, 17 and 18 of chapter 176Q of the General Laws are hereby repealed.

Amend Division of Banks Assessment

SECTION 19. Section 2 of chapter 167 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word "banks", in lines 64 and 85, in each instance, the following words:- in combination with the assessment against all electronic branches pursuant to section 24 of chapter 167B.

Spending Authority for Additional Required Health Benefits

SECTION 20. Section 3 of chapter 176Q of the General Laws, as so appearing, is hereby amended by adding the following clause:-

(w) to administer payments for additional required benefits in accordance with 42 U.S.C. § 1311(d)(3)(B).

Ethics Commission Additional Revenue Sources

SECTION 21. Section 3 of chapter 268B of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(k) acting through the executive director, have the power to apply for, accept, use and expend gifts, grants and contributions of money, services, property or aid from any source, for the purpose of assisting the commission in the discharge of its duties.

I-Cubed Technical Correction

SECTION 22. Section 11A of chapter 293 of the acts of 2006, as inserted by section 16 of chapter 129 of the acts of 2008, is hereby amended by striking out, in the third sentence, the figure "2" and inserting in place thereof the following figure:- 3.

Extending the Statewide Grand Jury

SECTION 23. Sections 99 and 107 of chapter 28 of the acts of 2009 are hereby repealed.

Reserve for DDS Cases

SECTION 24. Item 1599-2013 of section 2A of chapter 142 of the acts of 2011 is hereby amended by inserting after the figure "3:10-CV30073" the following words:- and for costs of cases in which the department of developmental services is a defendant.

Chapter 224 Effective Date Corrections

SECTION 25. (A) Section 206 of chapter 224 of the acts of 2012 shall take effect as of October 1, 2013.

(B) Section 207 of said chapter 224 shall take effect on October 1, 2014.

Extend Reporting Deadline

SECTION 26. Section 73 of chapter 36 of the acts of 2013 is hereby amended by striking out, in the fourth sentence, the words "March 15, 2014" and inserting in place thereof the following words:- June 16, 2014.

Snow and Ice Deficit Spending Threshold

SECTION 27. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation may incur liabilities and make expenditures in fiscal years 2014 and 2015 in excess of funds available to the department for snow and ice removal; provided that the expenditures are approved by the secretary of transportation in consultation with the secretary of administration and

finance. No expenses shall be made in excess of funds available until $38,000,000 has been expended for snow and ice removal in each of fiscal years 2014 and 2015 and the negative balance of funds available for snow and ice removal shall not exceed $50,000,000 at any time during each fiscal year. The state comptroller may certify for payment invoices in excess of funds available to the department.

(b) The department shall, on or before May 1 in fiscal years 2014 and 2015, report to the executive office for administration and finance and the house and senate committees on ways and means the total amounts budgeted and expended for snow and ice removal. The department shall seek appropriations, as required, to cure deficiencies resulting from the removal of snow and ice for fiscal years 2014 and 2015.

Employment Status of Certain Parole Officers

SECTION 28. Notwithstanding any general or special law to the contrary, any person currently employed by the parole board as a parole officer, whose appointment or promotion was made provisionally, who has served satisfactorily in the position for at least 6 months immediately before March 1, 2014, and who has passed a qualifying examination prescribed by the personnel administrator, shall be granted permanent civil service status in that position as of the date of the parole officer's appointment or promotion.

Validation of Collective Bargaining Agreement

SECTION 29. The salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts, (Unit 5A) shall be effective for the purpose of section 7 of chapter 150E of the General Laws.

MassHealth Transferability

SECTION 30. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize

transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0875, 4000-0880, 4000-0890, 4000-0940, 4000-0950, 4000-0990, 4000-1400, and 4000-1420 of section 2 of chapter 38 of the acts of 2013 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not later than August 30, 2014.

MassHealth Accounts Payable

SECTION 31. Notwithstanding any general or special law to the contrary, any unexpended balances, not exceeding a total of $20,000,000, in items 4000-0600 and 4000-0700 of section 2 of chapter 38 of the acts of 2013, shall not revert to the General Fund until September 1, 2014 and may be expended by the executive office of health and human services to pay for services enumerated in said items 4000-0600 and 4000-0700 of said section 2 of said chapter 38 provided during fiscal year 2014.

Transportation Reforms

SECTION 32. (A) Section 3 of chapter 6C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 165 and 166, the words "administration and finance" and inserting in place thereof the following words:- transportation, in consultation with the secretary of administration and finance.

(B) Said section 3 of said chapter 6C, as so appearing, is hereby further amended by adding the following paragraph:-

(49) sell, lease or otherwise contract for advertising, including in or on the facilities of the department.

(C) Said chapter 6C is hereby further amended by inserting after section 10 the following section:-

Section 10A. There shall be within the department an office of outdoor advertising, which shall oversee, administer, regulate and control, in the public interest, the erection and maintenance of billboards, signs or other advertising devices in accordance with state and federal law. The office shall be under the administration and supervision of a director who shall be an employee of the department. The director shall coordinate with other employees of the department to administer and oversee the erection and maintenance of billboards, signs or other advertising devices along public ways, and in enforcing the rules and regulations of the office. Whenever any action by the office is required to be in writing, such writing shall be sufficient when signed by the director. The director shall make an annual report for the preceding calendar year setting forth the total number of active outdoor advertising permits, annual receipts, new permit issuances, number of permits surrendered, permit transfer approvals, number of hearings held and other relevant matters to the administrator of the highway division.

The department may make, amend or repeal rules and regulations for the proper control and restriction of billboards, signs and other advertising devices on public ways or on private property within view of any public way, public park or reservation. Such rules and regulations may: require that said billboards, signs or other devices be located in business, commercial, industrial, marketing or mercantile areas, or on unrestricted commercial arteries and adjacent to commercial enterprises; prescribe standards of size, setback clearance and other criteria, considering the public interest; require said billboards, signs or other devices to be authorized by the department by the issuance of permits in accordance therewith and with this section; and prescribe permit fees and fines. Said fees need not be uniform throughout the commonwealth. No permit, whether permanent or temporary, for a billboard, sign or other advertising device shall be issued unless the applicant provides written notice of the application stating the proposed location to the city or town in which the proposed billboard, sign or other advertising device is to be located. The director shall have the authority to issue licenses or permits where no objection has been received to the pending application within 60 days of written notice of the application.

Except as hereinafter provided, before establishing or amending rules and regulations under this section, the department shall hold duly advertised public hearings in Boston and in such other cities and towns within the commonwealth as the department deems necessary or expedient. Cities and towns may further regulate and restrict said billboards, signs or other devices within their respective limits by ordinance or by-law.

Whenever, within 30 days after the permit applicant notifies the city or town, the director receives written objection to an application for a permit from said city or town and written notice of intention to appear in opposition to the application, the director may issue such permit only after a public meeting on due notice to the applicant and the city or town.

Any applicant for a permit, or any city or town wherein a permit was issued, who is aggrieved by the decision of the director with respect to the issuance or revocation of a license or permit for the erection or maintenance of a billboard, sign or other advertising device, may within 30 days thereafter, appeal from such decision to the department. The department shall conduct a hearing and may designate a hearing officer to hold said hearing, after due notice, to determine whether the decision will be affirmed, modified or annulled. The findings of the hearing officer shall be final, subject to the provisions of chapter 30A.

No person, firm, association or corporation shall post, erect, display or maintain on any public way or on private property within public view from any public way, public park or reservation any billboard or other advertising device which advertises or calls attention to any business, article, substance or any other thing, unless such billboard or device conforms to the rules and regulations and ordinances or by-laws established by the department; provided, that this section shall not apply to signs or other devices erected and maintained in conformity with law and which advertise or indicate either the entity which primarily occupies the premises in question or the principal activity or business transacted on-premise, or

advertise the property itself or any part thereof as for sale or to let and which contain no other advertising matter.

Any billboard, sign or other device erected without the authorization or permit of the office, or any predecessor thereto, in cases where such authorization or permit is required, or maintained in violation of any rule or regulation of the department, shall be deemed a nuisance. The director of the shall have the same power to abate and remove any such nuisance as is given the board of health of a town under sections 123 to 125, inclusive, of chapter 111, and the provisions of said sections shall, so far as applicable, apply in the case of a nuisance as herein defined. The remedy herein provided shall be in addition to any other remedy provided by law.

The supreme judicial and superior courts shall have jurisdiction in equity upon the petition of the department, the attorney general, of any city or town or any officer thereof, or of any interested party, to restrain the erection or maintenance of any billboard, sign or other advertising device erected or maintained in violation of any rule, or regulation, or any provisions of this chapter and to order the removal or abatement of such billboard, sign or outdoor advertising device as a nuisance.

This section shall not apply to signs or other devices on or in rolling stock of any common carrier nor shall they apply to signs or other devices which are not displayed within view of a public way.

Whoever violates any provision of this section, chapter 93D or any rule, regulation, ordinance or by-law established or adopted shall be punished by a fine of not more than $1,000 per day following the receipt of notice of said violation.

(D) Subsection (a) of section 13 of said chapter 6C, as appearing in the 2012 Official Edition, is hereby amended by adding the following 2 sentences:-

Notwithstanding any general or special law to the contrary, such revenues generated from transit over the turnpike shall be applied exclusively to road, rail and transit projects and the related costs thereof across the districts established in section 3 of chapter 57 and shall be distributed to such districts in an equitable manner. For the purposes of this paragraph, "equitable" shall mean not less than 75 per cent of the annual percentage of the total statewide collections of toll revenue generated by each such district; provided, however, that the minimum percentage shall be 85 per cent for districts in which the revenue generated by registered vehicles that have a Fast Lane transponder exceeds the average revenue generated by registered vehicles that have a Fast Lane transponder in districts statewide.

(E) Said chapter 6C is hereby further amended by striking out section 20, as so appearing, and inserting in place thereof the following section:-

Section 20. Except as otherwise provided by law, any sale of real property shall be awarded, utilizing appropriate, competitive and customarily acceptable real estate disposition processes and procedures, to the bidder who is the highest responsible bidder subject to any restrictions, covenants or conditions the department shall find that sound reasons in the public interest require. Such processes and procedures may include, but shall not be limited to, absolute auction, contractual listing agreements with Massachusetts licensed real estate brokers, sealed bids and requests for price and development proposals. The department shall have the right to reject all bids submitted under such processes and procedures and to re-advertise for bids. Before any real property shall be so sold or conveyed, notice that such real property is for sale shall be publicly advertised in a newspaper with a circulation sufficient to inform the people of the city or town in which the real property to be sold is located, once a week for 3 successive weeks. Such advertisements shall state the time and place where all pertinent information relative to the real property to be sold or conveyed may be obtained, the time and location of the auction, or the time and place for the submission of such bids and for the opening thereof, and that the department reserves the right to reject

any or all such bids. After the execution of a sale agreement completing such transaction, all bids relating thereto shall be retained by the department and shall be open to inspection by the public until the expiration of such agreement or 6 months from the date thereof, whichever occurs first, and may thereafter be destroyed by the department. The department may require, as evidence of good faith, that a deposit of a reasonable sum, to be fixed by the department, accompany the proposals or bids. This paragraph shall not be applicable to any sale of real property by the department to the commonwealth or any city, town or public instrumentality nor to a sale of real property which is determined by the department to have a fair market value of $100,000 or less.

(F) Section 27 of said chapter 6C, as so appearing, is hereby amended by adding the following subsection:-

(c) Notwithstanding section 168 of chapter 175 or any other general or special law to the contrary, the department shall be exempt from any fees or taxes associated with surplus lines insurance; provided, however, that the exemption shall extend to any insurance broker for any insurance premium tax or surplus lines tax being incurred or having been incurred by the insurance broker as a result of the insurance having been procured, placed, negotiated, continued or renewed for or on behalf of the department.

(G) Said chapter 6C is hereby further amended by striking out section 44, as so appearing, and inserting in place thereof the following section:-

Section 44. (a) The division may provide functional replacement of real property in public ownership whenever the division has acquired such property, in whole or in part, under this chapter or when such property is significantly and adversely affected as a result of the acquisition of property for a highway or highway-related project and whenever the division determines that functional replacement is necessary

and in the public interest. For the purposes of this section, "functional replacement" shall mean the replacement, pursuant to chapter 7, requiring authorization of the general court prior to disposition of real property, including either land or facilities thereon, or both, which shall provide equivalent utility. For the purposes of this section “real property in public ownership” shall mean any present or future interest in land, including rights of use, now existing or hereafter arising, held by an agency, authority, board, bureau, commission, department, division or other unit, body, instrumentality or political subdivision of the commonwealth. This section shall not constitute authorization by the general court as required by said chapter 7.

(b) Whenever the division determines it is necessary that a utility or utility facility, as defined under federal law, be relocated because of construction of a project which is to be reimbursed federally, in whole or in part, or which is to be paid by the commonwealth, in whole or in part, such facility shall be relocated by the division or by the owner thereof in accordance with an order from the division. Failure to comply with an order from the division shall be subject to enforcement under chapter 81. The division shall reimburse the owner of such utility or utility facility for the cost of relocation subject to the limitations in subsection (e) and in accordance with the following formula: for any utility facility that is to be reimbursed federally, in whole or in part, and for any utility facility that does not qualify for federal reimbursement, the division shall reimburse the owner at least 50 per cent of the costs of relocating the utility facility.

(c) Any relocation of facilities carried out under this section which is not performed by employees of the owner shall be subject to sections 26 to 27F, inclusive, of chapter 149.

(d) Notwithstanding any general or special law to the contrary, any utility facility that is required to be relocated because of the construction of a project federally funded under the Federal-Aid Highway

Act of 1982 and the Federal-Aid Highway Act of 1987 may be relocated temporarily above ground during the construction of the project.

(e) A utility relocation shall be eligible for reimbursement under this section only if it is completed to the satisfaction of the division within target dates established by the division and in accordance with design criteria set forth by the division for the relocation in a manner that facilitates the timely completion of the affected project.

(H) Said chapter 6C is hereby further amended by striking out section 45, as so appearing, and inserting in place thereof the following section:-

Section 45. Notwithstanding clause (e) of section 44 or any other general or special law to the contrary, the commonwealth may reimburse the owner of an underground utility or utility facility whenever such underground utility or utility facility has been relocated because of construction of a project which is to be reimbursed federally in whole or in part. The reimbursement authorized herein shall be to the extent that the cost of relocating the facility is reimbursed by the federal government.

(I) Section 46A of said chapter 6C, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words “the turnpike or the Boston extension of the metropolitan highway system” and inserting in place thereof the following words:- the state highway system.

(J) Said chapter 6C is hereby further amended by inserting after section 60 the following 2 sections:-

Section 60A. The division, with the approval of the secretary, shall have the authority to promulgate rules, regulations, orders and directives for establishing security standards for all airports and restricted landing areas in the commonwealth, so long as such standards are not contrary to or inconsistent with mandatory federal security standards. The division may cooperate with other local, state and federal

authorities in matters of security, including the sharing of information, for the protection of the commonwealth and national security interests.

Each public-use airport, through its manager, shall prepare an airport security plan that must be submitted to and approved by the division. The airport security plan shall be developed under guidelines and regulations issued by the division through security directives. An airport security plan submitted and approved by the federal Transportation Security Administration in accordance with federal law shall be considered sufficient to comply with the requirements of this section.

The airport security plan shall be considered sensitive security information under Title 49 of the Code of Federal Regulations Part 1520 and shall not be subject to disclosure under clause Twenty-sixth of section 7 of chapter 4 and chapter 66.

Any authorized representative of the division shall be permitted to inspect any airport, airfield, restricted landing area, aviation facility, hangar or aircraft for the purpose of determining compliance with security standards established by the division.

The division shall be authorized to access criminal offender record information and to order and receive background checks completed by the department of state police on its employees, appointees, agents and persons with whom the division enters into a contract, agreement, certification or license.

Section 60B. (a) The division shall have the authority to issue civil citations and to impose and collect fines and to impose other penalties for violation of aeronautics laws contained in sections 35 to 52, inclusive, of chapter 90, including any rules and regulations established by the division. The administrator, or a designee, after determining that a violation has occurred, is authorized to cite the offender for such violation by issuing a civil citation.

(b) The administrator, or a designee, shall request, and the offender shall provide, the offender's name, address and a form of identification. If the infraction involves the operation of an aircraft, the administrator, or a designee, shall request the examination of the offender's current airman and medical certificates, if applicable, as well as an examination of the aircraft, if any, involved in the violation.

(c) The administrator, or a designee, shall issue a written citation to the offender at the time and place of the violation, if possible, and the offender shall sign the citation acknowledging its receipt. If it is not possible to serve the offender with a citation at the time of the infraction, the administrator, or a designee, shall mail a copy of the citation, by certified mail, return receipt requested, to the offender at the offender's last known address, within 10 working days of the date the citation was issued.

(d) If the administrator, or a designee, is unable to identify the offender, a citation shall be sent to the registered owner of the aircraft involved in the violation as appearing on the records of the division or the Federal Aviation Administration. The issuance of the citation shall be deemed to be sufficient notice to the alleged offender. Proof of registration shall be prima facie evidence that the registrant is the offender.

(e) Each citation served shall include: (1) the name and address of the offender and the federal registration number of the aircraft involved, if any; (2) date, time and place of the offense; (3) description of the offense alleged; (4) signature of the administrator, or the designee, issuing the citation; (5) amount of penalty derived from a schedule established by the division and promulgated by statute or regulation; (6) instructions and time limits for paying the penalty; and (7) procedures for requesting a non-criminal hearing.

(f) The offender shall remit full payment of the penalty within 30 days of the date of the citation, by mailing or delivering a bank check or money order payable to the commonwealth at the address stated

on the citation. Payment in full of the specified penalty and any late payment penalty shall operate as final disposition of the matter and no record shall be entered in any criminal or probation records of the court. Late payment charges in the amount of 10 per cent of the penalty shall be assessed, in addition to the penalty, for each 30 days, or part thereof, while the citation is unpaid.

(g) In lieu of initial payment, the offender may request, in writing within 30 calendar days from the date of the citation, a non-criminal hearing to be held before the administrator, or a designee. All hearings shall comply with chapter 30A.

(h) The administrator, or a designee, shall issue an adjudicatory decision for or against the offender. If the offender is found liable, the administrator, or a designee, shall require the offender to pay, within 21 calendar days from the date of the finding or a longer time as may be determined by the administrator, or a designee, an amount not to exceed the scheduled penalty established for the offense by regulation or statute.

(i) If the offender fails to timely render payment of the citation, fails to timely request a hearing, fails to appear for a scheduled hearing or fails to render payment of the citation upon an order of the court, the division may seek a criminal complaint against the offender without conducting a preliminary hearing pursuant to section 35A of chapter 218.

(j) All fees, fines and penalties collected by the division shall be deposited into the fund.

(K) Section 62 of said chapter 6C, as appearing in the 2012 Official Edition, is hereby amended by inserting after the words “intermodal facility”, in line 114, the following words:- , highway operation and maintenance facilities, energy generation facilities.

(L) Chapter 25A of the General Laws is hereby amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. (a) A state agency, building authority or local governmental body may contract for energy conservation projects that have a total project cost of $100,000 or less, directly and without further solicitation, with electric and gas utilities, their subcontractors and other providers of such energy conservation projects authorized under sections 19 and 21 of chapter 25 and section 11G.

(b) A state agency, building authority or local governmental body may contract for energy conservation projects that have a total project cost of $500,000 or less, directly and without further solicitation with a provider of such energy conservation projects that has been competitively procured and approved by an electric or gas utility company.

(c) For purposes of this section, "total project cost" shall mean all construction costs of an energy conservation project, whether borne by the utility, agency, authority or body including, without limitation, the costs associated with equipment purchase and installation of such equipment. Ancillary services provided at no cost by utilities, such as auditing and design, shall not be considered part of project cost.

(d) A state agency, building authority or local governmental body may pay for such energy conservation projects through additions to their monthly utility bills.

(e) Sections 44A to 44M, inclusive, of chapter 149 and section 39M of chapter 30 shall not apply to contracts entered into under this section.

(M) Section 2D of chapter 85 of the General Laws, as so appearing, is hereby amended by striking out the second to eighth, inclusive, paragraphs.

(N) Chapter 89 of the General Laws is hereby amended by inserting after section 4C the following section:-

Section 4D. Notwithstanding the provisions of section 4A, when any way has been divided into lanes, the driver of a commercial motor vehicle as defined in section 1 of chapter 90F, shall so drive that the vehicle shall be entirely within a single lane and shall not move from the lane in which the driver is driving until the driver has first ascertained if such movement can be made with safety. A violation of this section shall be deemed an ”improper or erratic lane change” as included within the definition of “serious traffic violation” in section 1 of chapter 90F.

(O) Chapter 90 of the General Laws is hereby amended by inserting after section 2*I* the following section:-

Section 2J. The registrar may refuse to register, and may suspend or revoke if already registered, a commercial motor vehicle if the registrar has received notice, in any form which the registrar deems appropriate, including electronic transmissions, that the commercial motor carrier attempting to register a commercial motor vehicle has been prohibited from operating in interstate commerce by a federal agency with authority to do so under federal law.

(P) Section 7B of said chapter 90, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 128, the words “$50 nor more than $100” and inserting in place thereof the following words:- $500 nor more than $1,000.

(Q) Section 7D of said chapter 90, as so appearing, is hereby amended by striking out, in line 2, the words “(13) and (16)” and inserting in place thereof the following words:- (13), (16) and (17).

(R) Said chapter 90 is hereby further amended by striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. (a) Except as hereinafter otherwise provided, every person operating a motor vehicle, upon approaching a railroad crossing at grade, shall reduce the speed of the vehicle to a reasonable and proper rate before proceeding over the crossing, and shall proceed over the crossing at a rate of speed and with such care as is reasonable and proper under the circumstances. Every person operating a school bus, or any motor vehicle carrying explosive substances or flammable liquids as a cargo, or part of a cargo, upon approaching a railroad crossing at grade, shall bring his vehicle to a full stop not less than 15 feet and not more than 50 feet from the nearest track of said railroad, and shall not proceed to cross until it is safe to do so. The operator of a school bus, in addition to bringing his vehicle to a full stop, as aforesaid, shall open the service door, ascertain if he may cross safely and thereupon close said door before proceeding. Every person operating any motor vehicle, upon approaching at grade a railroad crossing protected by red lights which flash as a warning, shall bring his vehicle to a full stop not less than 15 feet and not more than 50 feet from the nearest track of said railroad and shall not proceed to cross until said lights stop flashing. Every person operating any motor vehicle, upon approaching at grade a railroad crossing protected by a lowered automatic gate, shall bring his vehicle to a full stop not less than 15 feet and not more than 50 feet from the nearest track of said railroad and shall not proceed to cross until said automatic gate is raised. Every person operating any motor vehicle, upon approaching at grade a railroad crossing protected by a railroad employee waving a red flag or white lantern, shall bring his vehicle to a full stop not less than 15 feet and not more than 50 feet from the nearest track of said railroad and shall not proceed to cross until said railroad employee signals that it is safe to do so. A railroad train approaching within approximately 1,500 of a highway crossing shall emit a warning signal audible from such distance.

(b) In addition to the above, an operator of a commercial motor vehicle who has a commercial driver license or who is required to have a commercial driver license, including the operator of a school bus, who fails to take the appropriate action as provided in clauses (1) through (6), inclusive, when approaching a railroad grade crossing shall be subject to the penalties contained in this section and the periods of disqualification contained in subsection (I) of section 9 of chapter 90F. The violations are:

(1) the operator is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train;

(2) the operator is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear;

(3) the operator is always required to stop, but fails to stop before driving onto the crossing;

(4) the operator fails to have sufficient space to drive completely through the crossing without stopping;

(5) the operator fails to obey a traffic control device or the directions of an enforcement official at the crossing; or

(6) the operator fails to negotiate a crossing because of insufficient undercarriage clearance.

(c) Whoever violates any provisions of this section and is operating a school bus, or any motor vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, shall be punished

by a fine of not less than $500 or by being required to perform a total of 100 hours of community service which may include service in the operation lifesaver program. All other persons violating the provisions of this section not operating a school bus, or any motor vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, shall be punished by a fine of not less than $100 nor more than $200 or by being required to perform a total of 50 hours of community service which may include service in the operation lifesaver program.

(S) Said chapter 90 is hereby further amended by inserting after section 22 the following section:-

Section 22½. The registrar may suspend or revoke the certificate of registration of any commercial motor vehicle issued under this chapter if the registrar receives notice in any form which the registrar deems appropriate, including electronic transmissions, that the commercial motor carrier responsible for its safety has been prohibited from operating in interstate commerce by a federal agency with authority to do so under federal law. Notice to the registrant shall be as provided in subsection (d) of section 22.

(T) Section 24B of said chapter 90, as appearing in the 2012 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Whoever falsely makes, steals, alters, forges or counterfeits or procures or assists another to falsely make, steal, alter, forge or counterfeit a registration plate, a learner's permit, a license to operate motor vehicles, an identification card issued under section 8E, a special parking identification disability placard, a certificate of registration of a motor vehicle or trailer, an inspection sticker, a registration plate validation decal, a certificate of registration of a motorized bicycle, a registration decal sticker for a motorized bicycle or a professional driving instructor’s license, or whoever forges or without authority uses the signature, facsimile of the signature, or validating signature stamp of the registrar or deputy registrar upon a genuine, stolen or falsely made, altered, forged or counterfeited learner's permit, license

to operate motor vehicles, certificate of registration of a motor vehicle or trailer, a certificate of registration of a motorized bicycle or an inspection sticker, or whoever has in his possession, or utters, publishes as true or in any way makes use of a falsely made, stolen, altered, forged or counterfeited registration plate, learner's permit, license to operate motor vehicles, an identification card issued under section 8E, a special parking identification disability placard, a certificate of registration of a motor vehicle or trailer, an inspection sticker, a registration plate validation decal, a certificate of registration of a motorized bicycle, a registration decal sticker for a motorized bicycle or a professional driving instructor’s license, and whoever has in his possession, or utters, publishes as true, or in any way makes use of a falsely made, stolen, altered, forged or counterfeited signature, facsimile of the signature or validating signature stamp of the registrar or deputy registrar, shall be punished by a fine of not more than $500 or by imprisonment in the state prison for not more than 5 years or in a jail or house of correction for not more than 2 years.

(U) Said chapter 90 is hereby further amended by striking out section 41, as so appearing, and inserting in place thereof the following section:-

Section 41. The administrator may conduct investigations or hearings relative to matters covered by any provision of sections 35 to 52, inclusive, or of any order, rule or regulation of the division, and may conduct investigations relative to any accident involving personal injury occurring in connection with aeronautics within the commonwealth.

The division shall report to the appropriate federal agency all accidents within the commonwealth, and so far as possible, shall preserve, protect and prevent the removal of the component parts of any aircraft involved in any such accident being investigated by it.

(V) Section 1 of chapter 90F of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Commerce" the following definition:-

> "Commercial Driver's License" (CDL), a license issued in accordance with the standards contained in federal regulations at 49 C.F.R. Part 383 to an individual which authorizes the individual to operate a class of a commercial motor vehicle.

(W) Said section 1 of said chapter 90F, as so appearing, is hereby further amended by inserting after the word "vehicle'", in line 18, the first time it appears, the following word:- (CMV).

(X) Said section 1 of said chapter 90F, as so appearing, is hereby further amended by inserting after the word "probated", in line 39, the following words:- ; dispositions under sections 24D and 24E of chapter 90; an admission to sufficient facts; a continuance without a finding; an assignment to an alcohol or controlled substance education, treatment or rehabilitation program; refusing to submit to a chemical test or analysis of one's breath or blood; an alcohol concentration in one's breath or blood of 0.04 or more.

(Y) Said section 1 of said chapter 90F, as so appearing, is hereby further amended by inserting after the definition of "License to operate a commercial motor vehicle" the following definition:-

> "Major offense", operation under the influence of alcohol or drugs, operating to endanger or reckless driving, under the provisions of paragraphs (a) to (h), inclusive, of subdivision 1 of section 24 of chapter 90; leaving the scene of a personal injury accident under said section 24 of said chapter 90; homicide by a commercial motor vehicle under the provisions of section 24G of said chapter 90; causing serious bodily injury while operating a commercial motor vehicle while under the influence of intoxicating liquor or

drugs under the provisions of section 24L of said chapter 90; having an alcohol concentration of 0.04 or greater while operating a commercial motor vehicle; refusing to take an alcohol test as required by state or federal jurisdiction under its implied consent laws or regulations as defined in 49 CFR 383.72; using a commercial motor vehicle to commit a felony; driving a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's CDL is revoked, suspended or canceled, or the driver is disqualified from operating a commercial motor vehicle; using a commercial motor vehicle in the commission of a felony involving manufacturing, distributing or dispensing a controlled substance; and any other violations of state law relating to motor vehicle traffic control which the registry determines by regulation to be major. This definition shall include any and all disqualifying offenses under 49 CFR 383.51, as well as offenses listed in regulations which the registrar may promulgate to reflect the definition of a major offense contained in any applicable federal statute or regulation.

(Z) Said section 1 of said chapter 90F, as so appearing, is hereby further amended by striking out the definition of "Serious traffic violation" and inserting in place thereof the following definition:-

"Serious traffic violation", excessive speeding, improper or erratic traffic lane changes or following the vehicle ahead too closely as defined by the United States Department of Transportation by regulation; driving recklessly, as defined by state or local law or regulation, including but, not limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property; driving a commercial motor vehicle without obtaining a commercial driver license; driving a commercial motor vehicle without having a commercial driver license in possession; driving a commercial motor vehicle without the proper class or endorsement; manually composing, sending or

reading an electronic message, as defined in section 1 of chapter 90, while operating a commercial motor vehicle; using a mobile telephone or mobile electronic device, both as defined in said section 1 of said chapter 90, while operating a commercial motor vehicle; and any other violations of state law relating to motor vehicle traffic control which the registry determines by regulation to be serious. This definition shall include any and all disqualifying offenses under 49 CFR 383.51, as well as offenses listed in regulations which the registrar may promulgate to reflect the definition of a serious traffic violation contained in any applicable federal statute or regulation.

(AA) Section 4 of said chapter 90F, as so appearing, is hereby amended by striking out, in line 16, the figure "$11,000" and inserting in place thereof the following figure:- $25,000.

(BB) Section 6 of said chapter 90F, as so appearing, is hereby amended by striking out the third paragraph.

(CC) Said section 6 of said chapter 90F, as so appearing, is hereby further amended by adding the following paragraph:-

No person shall be issued a special license or permit, or a provisional, temporary or hardship license or permit to drive a commercial motor vehicle during a period in which the person is disqualified from operating a commercial motor vehicle or after the person's noncommercial driving privilege has been revoked, suspended or cancelled, or when any type of driver's license held by such person is suspended, revoked or cancelled by the state in which the driver is licensed for any state or local law related to motor vehicle traffic control, other than parking violations. A person shall not be issued a commercial driver license or learner's permit to operate a commercial motor vehicle on a limited basis on the grounds of hardship.

(DD) Section 7 of said chapter 90F, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words ", weight, and eye and hair color" and inserting in place thereof the following words:- and weight.

(EE) Said section 7 of said chapter 90F, as so appearing, is hereby further amended by striking out clauses (6) to (9), inclusive, and inserting in place thereof the following clauses:-

(6) certifications, including those required by 49 CFR 383.71(a);

(7) consent of the applicant to release driving record information; and

(8) any other information required by the registrar.

(FF) Said chapter 90F is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. (A) Any person who holds a license to operate a motor vehicle, a license to operate a commercial motor vehicle or is unlicensed, is disqualified from operating a commercial motor vehicle and is prohibited from operating a commercial motor vehicle for a period of not less than 1 year if convicted of a first violation of:

(1) operating a commercial motor vehicle or a motor vehicle under the influence of alcohol or drugs;

(2) operating a commercial motor vehicle while the alcohol concentration in the person's blood or breath is 0.04 or more;

(3) operating a motor vehicle while the alcohol concentration in the person's breath or blood is 0.08 or more;

(4) leaving the scene of an accident involving a commercial motor vehicle or a motor vehicle driven by the person;

(5) refusing to submit to a chemical test or analysis of the person's breath or blood after operating a commercial motor vehicle or a motor vehicle;

(6) using a commercial motor vehicle or a motor vehicle in the commission of a felony as defined in this chapter;

(7) driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CDL is revoked, suspended or canceled, or the driver is disqualified from operating a CMV; or

(8) causing a fatality through the negligent operation of a CMV, including, but not limited to, the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

If any of the above violations occurred while transporting a hazardous material required to be placarded, the person shall be disqualified for a period of 3 years.

(B) Any person shall be disqualified for life if convicted of 2 or more violations of any of the offenses specified in subsection (A), or for 2 or more refusals to submit to a chemical test or analysis of the person's breath or blood after operating a commercial motor vehicle or a motor vehicle, or any combination of those offenses, arising from 2 or more separate incidents.

(C) The registrar may issue regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (B) may be reduced to a period of not less than 10 years.

(D) Any person shall be disqualified from operating a commercial motor vehicle for life who uses a vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance or possession with intent to manufacture, distribute or dispense a controlled substance.

(E) Any person shall be disqualified from operating a commercial motor vehicle for a period of not less than 60 days if convicted of 2 serious traffic violations, or 120 days if convicted of 3 serious traffic violations, committed in the operation of a commercial motor vehicle arising from separate incidents occurring within a 3-year period. The 120 day disqualification period shall be imposed in addition to any other previously imposed period of disqualification.

(E½) (1) Except as provided in subparagraph (2), any person who violates the provisions of an out-of-service order shall be disqualified from driving a commercial motor vehicle as follows:

(i) for not less than 180 days or more than 1 year for a first violation of an out-of-service order;

(ii) for not less than 2 years or more than 5 years for a second violation of an out-of-service order; provided, however, that such violations arose out of separate incidents during any 10 year period; and

(iii) for not less than 3 years or more than 5 years for a third or subsequent violation of an out-of-service order; provided, however, that such violations arose out of separate incidents during any 10 year period.

(2) Any person who violates the provisions of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. app. 1801-1813, or while operating a motor vehicle designed to transport more than 15 passengers, including the driver, shall be disqualified from driving a commercial motor vehicle as follows:

(i) for not less than 180 days or more than 2 years for a first violation of an out-of-service order; and

(ii) for not less than 3 years or more than 5 years for a second or subsequent violation of an out-of-service order; provided, however, that such violations arose out of separate incidents during any 10 year period.

In addition to the disqualification provided for in subparagraphs (1) and (2), any driver who violates the provisions of an out-of-service order shall be subject to a civil penalty of not less than $2,500 and not more than $5,000.

(F) After suspending, revoking or cancelling a license to operate a commercial motor vehicle, the registrar shall update its records to reflect such action within 10 days. After suspending, revoking or cancelling the privileges of a nonresident operator of a commercial motor vehicle, the registrar shall notify the licensing authority of the state which issued the license or certificate of the nonresident operator of a commercial motor vehicle within 10 days.

(G) Pursuant to the provisions of 49 CFR 383.52 or any regulations promulgated by the registrar to reflect the applicable federal requirements, the registrar shall disqualify from operating a commercial motor vehicle any driver whose driving is determined by the assistant administrator of the Federal Motor Carrier Safety Administration of the United States Department of Transportation, or his designee, to constitute an imminent hazard. The period of disqualification shall not exceed 30 days, unless the assistant administrator or his designee complies with 49 CFR 383.52(c). Any disqualification so imposed shall be transmitted by the Federal Motor Carrier Safety Administration to the registrar and shall become a part of the driver's record maintained by the registrar. A driver who is simultaneously disqualified under this subsection and pursuant to any other federal or state disqualification from holding a commercial driver license shall serve such disqualification periods concurrently.

(H) The registrar may disqualify and reject any application for commercial licensure by any Massachusetts resident holding a non-commercial driver license who has been convicted of a disqualifying event as defined in 49 CFR 383.51 or in regulations promulgated by the registrar to reflect the applicable federal requirements.

(I) Any person who holds a license to operate a motor vehicle, a CDL or is unlicensed, is disqualified from operating a CMV and is prohibited from operating a CMV during the period of disqualification provided in subparagraph (2) below for a violation of any offense committed in a commercial motor vehicle listed in subsection (b) of section 15 of chapter 90 for a railroad crossing violation, in addition to the penalties contained in that section, the violations are:

(1) the operator is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train;

(2) the operator is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear;

(3) the operator is always required to stop, but fails to stop before driving onto the crossing;

(4) the operator fails to have sufficient space to drive completely through the crossing without stopping;

(5) the operator fails to obey a traffic control device or the directions of an enforcement official at the crossing;

(6) the operator fails to negotiate a crossing because of insufficient undercarriage clearance.

The periods of disqualification are:

For a first conviction a person required to have a CDL and a CDL holder shall be disqualified from operating a CMV for not less than 60 days.

For a second conviction, of any combination of offenses in clauses 1 to 6, inclusive, in a separate incident within a 3-year period a person required to have a CDL and a CDL holder shall be disqualified from operating a CMV for not less than 120 days.

For a third or subsequent conviction of any combination of offenses in clauses 1 to 6, inclusive, in a separate incident within a 3-year period a person required to have a CDL and a CDL holder shall be disqualified from operating a CMV for not less than 1 year.

(J) (1) No operator of a CMV shall use a mobile telephone as defined in section 1 of chapter 90, or any hand-held device capable of accessing the internet, to manually compose, send or read an electronic message while operating a commercial motor vehicle. For the purposes of this section, an operator shall not be considered to be operating a commercial motor vehicle if the vehicle is stationary and not located in a part of the public way intended for travel.

(2) A violation of this subsection shall be punished by a fine of $100 for a first offense, by a fine of $250 for a second offense and by a fine of $500 for a third or subsequent offense.

(3) A penalty under this subsection shall not be a surchargeable offense under section 113B of chapter 175.

(4) A violation of this subsection shall be deemed to be a serious traffic violation and a person who is found in violation may be prohibited from operating a commercial motor vehicle for the period designated in 49 CFR 383.51 when that person has been convicted of a second or subsequent offense of a serious traffic violation within a 3 year period.

(K) (1) No operator of a CMV shall use a mobile telephone or mobile electronic device, each as defined in section 1 of chapter 90, while operating a commercial motor vehicle on any public way. For the purposes of this subsection, a commercial motor vehicle operator shall not be considered to be operating a commercial motor vehicle if the vehicle is stationary and not located in a part of the public way intended for travel.

(2) A violation of this subsection shall be punished by a fine of $100 for a first offense, by a fine of $250 for a second offense and by a fine of $500 for a third or subsequent offense.

(3) A penalty under this subsection shall not be a surchargeable offense under section 113B of chapter 175.

(4) A violation of this subsection shall be deemed to be a serious traffic violation and a person who is found in violation may be prohibited from operating a commercial motor vehicle for the period designated in 49 CFR 383.51 when that person has been convicted of a second or subsequent offense of a serious traffic violation within a 3 year period.

(GG) The General Laws are hereby amended by striking out chapter 93D and inserting in place thereof the following chapter:-

Section 1. In this chapter and in chapter 6C unless the context otherwise requires, the following words shall have the following meanings:-

"Department", the Massachusetts Department of Transportation established by section 2 of chapter 6C.

"Information center", an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the department may consider desirable.

"Interstate system", that portion of the national system of interstate and defense highways located within this commonwealth, as officially designated, or as may be hereafter so designated, by the department, and approved by the United States Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

“Landmark Sign”, a sign that was lawfully in existence on October 22, 1965 as determined by the department and approved by Federal Highway Administration as a landmark sign in accordance with applicable federal regulation.

“National Highway System”, the federal aid highway system described in section 103(b) of Title 23 of the United States Code.

“Non-conforming or grandfathered sign”, a sign that was lawfully erected, but which at a later date does not comply with the provisions chapter 6C, this chapter, department regulations, 23 U.S.C. or 23 CFR 750.101 et. seq., or which at a later date fails to comply with the above referenced statutes and regulations due to changed conditions. Illegally erected or maintained signs are not non-conforming or grandfathered signs.

“On-premise sign”, a sign which consists solely of the name of the establishment or which identifies the establishment's primary or principal products or services offered on the property is an on-premise sign. When a sign consists principally of a logo, brand name or trade name advertising and the product or service advertised is only incidental to the primary or principal activity, or if the sign generates revenue for the property owner, it shall be considered the business of outdoor advertising and not an on-premise sign. A sale or lease sign which also advertises any product or service not conducted upon and unrelated to the business or selling or leasing the land on which the sign is located is not an on-premise sign.

"Outdoor advertising", any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to

advertise or inform, any part of the advertising or information contents of which is visible from any place on the main travelled way of the interstate, primary systems, public way, public park or reservation.

"Primary systems", that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the department, and approved by the United States Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

"Safety rest area", an area or site established and maintained within or adjacent to the right of way by or under public supervision or control, for the convenience of the traveling public.

"Secretary", the United States Secretary of Transportation.

"Urban area", urban area as defined in subsection (a) of section 101 of Title 23 of the United States Code.

Section 2. No outdoor advertising shall be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the public way, main travelled way of a highway in the interstate, primary systems or national highway system except the following:

(a) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions, as required or authorized by law or by the department, and which conform to standards promulgated by the secretary under Title 23 of the United States Code.

(b) Signs, displays and devices advertising the principal business or primary activity conducted on the property upon which they are located.

(c) Signs, displays and devices advertising the sale or lease of property upon which they are located.

(d) Signs, displays and devices which are located in areas which are zoned industrial or commercial under authority of law and which have permits issued under the provisions of section 3.

(e) Signs, displays and devices which are located in unzoned commercial or industrial areas which areas shall be determined from actual land use and defined by regulations to be promulgated by the department and which have permits issued under the provisions of section 3.

(f) Signs lawfully in existence on October 22, 1965 and lawfully maintained thereafter, determined by the department and subject to the approval of the secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section, and which have permits issued under the provisions of section 3.

Section 2A. No outdoor advertising shall be erected or maintained more than 660 feet of the nearest edge of the right-of-way and visible from the public way, main travelled way of a highway in the interstate, primary systems or national highway system if such outdoor advertising is located outside of urban areas and erected with the purpose of their message being read from such main travelled way.

Section 2B. Only off-premise signs which have been continuously permitted by the department and utilized since their erection shall be eligible for non-conforming or grandfathered status. In no event shall

on-premise displays be eligible for the protection of non-conforming or grandfathered status. Non-conforming or grandfathered signs shall not be altered in any way other than ordinary maintenance. If any such sign is modified in any way or removed, it shall lose its non-conforming or grandfathered status.

Section 3. Under the procedures set forth in chapter 6C, the department is authorized to issue permits for the erection and maintenance of signs, displays and devices described in clauses (a), (d), (e) and (f) of section 2; provided, however, that the erection and maintenance thereof would comply with applicable ordinances and by-laws, with standards promulgated by the secretary under Title 23, United States Code, and with agreements between the department and the secretary authorized by section 7. Nothing in this section shall apply to signs, displays or devices referred to in clauses (b) and (c) of section 2.

Nothing in this chapter shall be construed to prohibit the department from adopting lawful regulations imposing stricter limitations with respect to signs, displays and devices on the public way, interstate, primary systems or national highway systems.

Section 4. Any outdoor advertising which violates the provisions of chapter 6C or this chapter shall be deemed a public nuisance. The department shall have the same power to abate and remove any such nuisance as is given the board of health of a town under sections 123 to 125, inclusive, of chapter 111, and the provisions of said sections shall, so far as applicable, apply in the case of a nuisance as herein defined. The remedy provided herein shall be in addition to any other remedy provided by law.

Section 5. The supreme judicial and superior courts shall have jurisdiction in equity upon the petition of the department, the attorney general, of any city or town or any officer thereof, to restrain the erection or maintenance of any outdoor advertising erected or maintained in violation of any provisions of this chapter, and to order the removal or abatement of such outdoor advertising as a nuisance.

Section 6. The department is hereby authorized to maintain maps and to permit informational directories and advertising signs and pamphlets to be made available at rest areas, and to establish centers at rest areas for the purpose of informing the public of places of interest within the commonwealth and providing such other information as may be considered desirable.

Section 7. The department is hereby authorized to enter into an agreement with the secretary, as provided by Title 23 of the United States Code, to establish standards for size, lighting and spacing of signs, displays and devices described in subsections (d) and (e) of section 2, and to define an unzoned commercial or industrial area for the purposes of said section, and to take action in the name of the commonwealth to comply with the terms of such agreement.

The department is further authorized to enter into an agreement with the secretary as provided by said Title 23 of the United States Code, relating to the establishment of information centers at safety rest areas, and to take action in the name of the commonwealth to comply with the terms of such agreement.

(HH) Section 18 of chapter 161A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:-

The secretary of administration and finance, on behalf of the commonwealth, shall, with the concurrence of the secretary of the Massachusetts Department of Transportation, enter into a contract with the authority prior to July 1, 2014, providing for payments by the commonwealth of $160,000,000 annually to the authority, in substantially equal monthly payments not later than the last day of each month, commencing with July 2014. The authority may pledge such contract and the rights of the authority to receive amounts thereunder as security for the payment of notes or bonds issued under the provisions of this chapter. Such contract shall constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth shall be pledged for the benefit of the authority and of the

holders of any notes or bonds of the authority which may be secured by a pledge of such contract or of amounts to be received by the authority under such contract.

(II) Section 41 of said chapter 161A, as so appearing, is hereby amended by adding the following subsection:-

(f) to sell electricity to the divisions within the Massachusetts Department of Transportation.

(JJ) Section 1 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the word "transit" the first time it appears.

(KK) Said section 1 of said chapter 161B, as so appearing, is hereby further amended by striking out the definition of "Net cost of service".

(LL) Said section 1 of said chapter 161B, as so appearing, is hereby further amended by striking out the definition of "Net saving".

(MM) Said section 1 of said chapter 161B, as so appearing, is hereby further amended by striking out the definition of "Secretary" and inserting in place thereof the following definition:-

"Secretary", the secretary of the Massachusetts Department of Transportation.

(NN) Section 5 of said chapter 161B, as appearing, is hereby amended by adding the following paragraph:-

The advisory board shall form a finance and audit committee appointed from its membership. The committee shall meet not less than 4 times a year and shall: (i) review, comment and make recommendations for amendment to the authority's preliminary budget and report comments and recommendations to the board; (ii) review, comment and make recommendations on the authority's final operating and capital budgets of the to the board; (iii) make recommendations to improve the fiscal affairs of the authority including, but not limited to, internal controls to protect the assets and revenues of the authority; (iv) accept and report to the board the authority's audits and management letters; and (v) undertake any projects referred to the committee by the board.

(OO) Section 8 of said chapter 161B, as amended by section 112 of chapter 38 of the acts of 2013, is hereby further amended by adding the following paragraph:-

(l) the regional transit authorities may not enter into any agreement, contract or other instruments of indebtedness or to borrow funds without the written permission of the secretary of transportation.

(PP) Said chapter 161B is hereby further amended by striking out section 9, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

Section 9. If in any year the commonwealth shall be called upon to pay any amount of operating costs of service of any regional transit authority except the Cape Cod Regional Transit Authority, unless said authority elects not to assess costs as provided in section 9A, the total amount of such operating cost shall be assessed upon the cities and towns which are members of such authority in an amount equal to assessment for the service provided in the fiscal year ending June 30, 2013, with such increases as allowed under applicable law. Any other assessment formula shall be subject to the approval of the secretary and the advisory board of the authority.

Amounts assessed under this section shall be the most recently audited regional transit authority assessment available on March 1 of each year and shall be used to calculate the upcoming fiscal year's estimated cherry sheet assessments.

(QQ) Said chapter 161B is hereby further amended by striking out section 9A, as so appearing, and inserting in place thereof the following section:-

Section 9A. If in any year the commonwealth shall be called upon to pay any amount of operating costs of the Cape Cod Regional Transit Authority, the total amount of such operating costs may be assessed in whole or in part upon the cities and towns which are members of said Authority in an amount equal to the assessment for the service provided in the fiscal year ending June 30, 2013, with such increases as allowed under applicable law. Communities shall be assessed on the basis of the total passenger miles and the number of trips attributable to the residents of cities and towns within said Authority. Any other such assessment formula shall be subject to the approval of the secretary and the advisory board of the Authority.

Amounts assessed under this section shall be the most recently audited regional transit authority assessment available on March 1 of each year and shall be used to calculate the upcoming fiscal year's estimated cherry sheet assessments.

(RR) Said chapter 161B is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

Section 10. The state treasurer may borrow, from time to time, on the credit of the commonwealth such amounts as may be necessary to make payments required of the commonwealth under this section or under section 11 and to pay any interest or other charges incurred in borrowing such money, and may

issue notes of the commonwealth therefore, bearing interest payable at such times and at such rates as shall be fixed by him. Such interest and other charges shall be included in the assessments under this chapter in proportion to the respective assessments on the cities and towns constituting the authority for the period to which any such payment relates. No note issued under this paragraph shall mature more than 2 years from its date but notes payable earlier may be refunded 1 or more times, provided that no refunding note shall mature more than 2 years from the date of the original loan being refunded. Such notes shall be issued for such maximum term of years, not exceeding 2 years, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Pending any payment from the state treasurer to the authority and at any other time when the authority in the opinion of the administrator has not sufficient cash to make the payments required of it in the course of its duties as such payments become due, the authority may temporarily borrow money and issue notes of the authority therefore.

If at any time any principal or interest is due or about to come due on any note issued by the authority pursuant to this section and funds to pay the same are not available, the administrator shall certify to the state treasurer the amount required to meet the obligation and the commonwealth shall thereupon pay over to the authority that amount. If the commonwealth shall not make the payment within a reasonable time, the authority or any holder of an unpaid note issued by the authority pursuant to this section, acting in the name and on behalf of the authority, shall have the right to require the commonwealth to pay the authority the amount remaining unpaid, which right shall be enforceable as a claim against the commonwealth. The authority or any holder of an unpaid note issued pursuant to this section may file a petition in the superior court to enforce a claim or intervene in any proceeding already commenced to enforce such a claim. Chapter 258 shall apply to the petition insofar as it relates to the enforcement of a claim against the commonwealth. Any holder of an unpaid note who shall have filed

such a petition may apply for an order of the court requiring the authority to apply funds received by the authority on its claim against the commonwealth to the payment of the holder's unpaid note, and, if the court finds such amount to be due to the holder, shall issue the order.

All assessments made under this chapter shall be made as provided in section 20 of chapter 59. If in any year the income received by the authority, including, but not limited to, revenues from leasing, advertising, parking, sale of capital assets, gifts and grants, exceeds the expenses incurred by the authority, including, but not limited to, expenses for wages, contracts for service by others, maintenance, debt service, taxes, rentals, payments to any governmental body and all other costs, the authority shall determine the amount of such excess. Such excess shall be placed in a reserve fund up to such amount as shall be determined by the authority with the approval of the advisory board. Any amount of excess not placed in such reserve fund shall be applied to reimbursing the commonwealth for any amounts which it may have paid under the provisions of this section, and the commonwealth shall thereupon distribute the amounts so received among the cities and towns constituting the authority up to the amounts which they were respectively assessed in the previous fiscal year. All remaining amounts in excess shall be so distributed up to the amounts assessed in each fiscal year immediately preceding, commencing with the most recent such year.

(SS) Said chapter 161B is hereby further amended by striking out section 23, as so appearing, and inserting in place thereof the following section:-

Section 23. Subject to appropriation, the commonwealth, acting by and through the department, may provide funding to the authorities; provided, however, said assistance may not be less than the amount provided to each authority in state contract assistance in the fiscal year ending June 30, 2013 and provided further any assistance provided above that amount shall be distributed based on a performance based formula as determined by the council and the secretary. Said formula shall be updated annually and

reviewed every 3 years by the secretary and the council. Operating assistance shall be administered by the department.

Any debt service on bonds issued by an authority, shall mature serially beginning not later than 10 years after the date of issue and ending not later than 40 years after the date of the bonds, so that the amounts payable in the several years for principal and interest combined shall be as nearly equal as in the opinion of the authority as is practicable to make them or, in the alternative, in accordance with a schedule providing a more rapid amortization of principal.

Any contracts or agreements made between an authority and any private company or carrier for which operating assistance is provided shall be subject to the following limitations: (i) in determining whether assistance is needed under this paragraph with respect to an operating agreement with a private transportation company, and in determining the terms of such assistance, the authority shall review the entire transportation operations of the company and its affiliates and shall make a finding that the assistance will not permit the applicant company to make more than a reasonable return overall; and (ii) that the assistance shall cover only those services determined by the authority to be in the public interest.

Any contract under this section shall include such provisions as the secretary deems necessary and desirable to assure the efficient operation of the authority, and the minimum burden on the commonwealth and on the cities and towns within the authority, and to insure operating assistance is provided for projects which are consistent with the program for public mass transportation of the authority.

(TT) Section 139 of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) The aggregate net metering capacity of facilities that are not net metering facilities of a municipality or other governmental entity shall not exceed 1 per cent of the distribution company's peak load. The aggregate net metering capacity of net metering facilities of a municipality or other governmental entity shall not exceed 2 per cent of the distribution company's peak load. The maximum amount of generating capacity eligible for net metering by a municipality or other governmental entity shall be 10 megawatts, unless the municipality or other governmental entity has an historic peak load across all of its meters of 50 megawatts, in which case the maximum amount of generating capacity eligible for net metering by a municipality or other governmental energy shall be 25 per cent of its historic load. For the purpose of calculating the aggregate capacity, the capacity of a solar net metering facility shall be 80 per cent of the facility's direct current rating at standard test conditions and the capacity of a wind net metering facility shall be the nameplate rating.

(UU) Section 1 of chapter 258 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Serious bodily injury."

(VV) Section 2 of said chapter 258, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "; provided, however, that all claims for serious bodily injury against the Massachusetts Bay Transportation Authority shall not be subject to a $100,000 limitation on compensatory damages".

(WW) Section 13D of chapter 265 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Any officer authorized to make arrests may arrest without a warrant any person who the officer has probable cause to believe has committed the above offense and may keep said person in custody for not more than 24 hours, or until the next sitting of the court, during which period the officer shall seek the issuance of a complaint and request a bail determination.

(XX) Section 13*I* of said chapter 265, as so appearing, is hereby amended by adding the following sentence:- Any officer authorized to make arrests may arrest without a warrant any person who the officer has probable cause to believe has committed the above offense and may keep said person in custody for not more than 24 hours, or until the next sitting of the court, during which period the officer shall seek the issuance of a complaint and request a bail determination.

(YY) Section 173 of chapter 25 of the acts of 2009 is hereby repealed.

(ZZ) Notwithstanding the provisions of any other general or special law to the contrary, the aeronautics division of the Massachusetts Department of Transportation is hereby authorized to establish a pavement improvement program for public-use airports not eligible for federal airport improvement program funding. The department shall utilize available appropriated funds for airport development and planning projects and shall be authorized to reimburse up to 97.5 per cent of the total cost of a pavement improvement project performed pursuant to this program.

(AAA) Notwithstanding the provisions of any other general or special law to the contrary, the Massachusetts Department of Transportation shall not be subject to the provisions of sections 44A to 44M, inclusive, of chapter 149 of the General Laws.

(BBB) Notwithstanding the provisions of any other general or special law to the contrary, the highway division of the department of transportation shall create and maintain a comprehensive database of all bridges under the responsibility of the department that shall inventory and grade the condition of each bridge in the commonwealth. The highway division shall assume the inspection responsibility for all highway bridges owned and operated by the department. The Massachusetts Bay Transportation Authority shall maintain the inspection responsibility for all bridges owned by the authority, including

bridges over transit or transit facilities, whereas the results of all such bridge inspections shall be incorporated into said comprehensive bridge database maintained by the highway division.

(CCC) Notwithstanding any general or special law to the contrary, the secretary of transportation shall establish and implement a surface transportation assessment program designed to evaluate the current and near-term future quality, efficiency, safety, state of repair and overall condition of the limited access express toll highway, designated as interstate highway route 90, and all bridges, tunnels, overpasses, underpasses, interchanges, parking facilities, entrance plazas, approaches, connecting highways, service stations, restaurants, tourist information centers and administration, storage, maintenance and other buildings that the department of transportation may own, operate and maintain pursuant to chapter 6C of the General Laws or any other applicable provision of law and any additional highway, tunnel and bridge components as the general court may from time to time determine, extending from the town of West Stockbridge on the Commonwealth's border with New York State to, but not including, the interchange of interstate highway route 90 and state highway route 128 in the town of Weston. Said assessment shall include, but not be limited to, a determination by the secretary as to whether said highway is in current, near-term or long-term need of significant repair, resurfacing, restoration, rehabilitation, replacement, construction or reconstruction in order to: (1) prevent, delay or reduce substantial deterioration; (2) eliminate identifiable and serious safety hazards; or (3) install measures to protect said highway from such hazards as earthquakes, floods, icing, vessel collision, vehicular impact and security threats. Said assessment shall be completed by the secretary within 120 days of the passage of this act and every 5 years thereafter. The completed assessment shall be filed with the joint committee on transportation and the house and senate committees on ways and means.

(DDD) Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, the state board of retirement, established by section 18 of chapter 10 of the General Laws, shall establish and implement a retirement incentive solely for certain employees of the highway division of the

Massachusetts Department of Transportation whose positions are eliminated due to the cessation of manual toll collection on the turnpike, as defined in section 1 of chapter 6C; hereinafter in sections DDD to JJJ, inclusive, referred to as the "retirement incentive program".

In order to be deemed eligible by the state board of retirement for any of the benefit options under the retirement incentive program, said employee shall: (i) be an employee of the highway division of the Massachusetts Department of Transportation hired on or before January 1, 2014 whose position is eliminated as a result of the cessation of manual toll collection on the turnpike; (ii) be in the job title toll collector I, toll collector II, toll courier I or toll courier II, or a member of collective bargaining unit D as established by the Master Labor Integration Agreement dated December 28, 2010 and referenced in section 6 of chapter 27 of the acts of 2011; (iii) work until the last day of manual toll collection on the turnpike; (iv) be a member in active service of the state retirement system on the effective date of sections DDD to JJJ, inclusive; (v) be classified in group 1 of said retirement system in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32; (vi) be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 of said chapter 32 upon the date of retirement requested in his written application for retirement with said board or will qualify if the incentive is awarded; (vii) have received his pay advices via the commonwealth's human resources compensation management system; and (viii) have filed a written application with the board in accordance with section EEE.

The total number of eligible employees holding the job title of toll collector I, toll collector II, toll courier I or toll courier II who may receive the benefit of the retirement incentive program shall be limited to 200. Employees with a greater number of years of creditable service on the effective date of sections DDD to JJJ, inclusive shall be approved by the state retirement board before approval may be given to employees with a lesser number of years of creditable service on the effective date of sections DDD to JJJ, inclusive. No employee shall be eligible for more than 1 of the incentives offered in sections DDD to

JJJ, inclusive and no employee may become eligible for 1 incentive by virtue of the application of a different incentive.

Words used in sections DDD to JJJ, inclusive, shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with sections DDD to JJJ, inclusive shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32.

(EEE) Notwithstanding any provision of section 5 of chapter 32 of the General Laws that requires a retirement date within 4 months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by sections DDD to JJJ, inclusive, an eligible employee shall file his application for retirement with the state board of retirement no later than 30 days after the last day of manual toll collection on the turnpike or 30 days after June 30, 2016 whichever is later, and the retirement date requested shall be no later than 90 days after the last day of manual toll collection on the turnpike or 90 days from June 30, 2016, whichever is later.

(FFF) An employee who is eligible for the retirement incentive program may request in his application for retirement that the state board of retirement credit him with an additional retirement benefit in accordance with this section. Each such employee shall request and receive a combination of years of creditable service and years of age, the sum of which shall not be greater than 5 years, for the purposes of determining his superannuation retirement allowance pursuant to paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws.

Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as determined in accordance with said section 5 of said chapter 32, of any employee who retires and receives the retirement incentive program benefit shall not exceed 80 per cent of the average annual rate of his regular compensation as determined in accordance with said section 5 of said chapter 32.

(GGG) For a married employee who retires and receives an additional benefit under sections DDD to JJJ, inclusive, an election of a retirement option under section 12 of chapter 32 of the General Laws shall not be valid unless: (i) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected; or (ii) a certification by the state board of retirement that the spouse has received notice of such election as provided in this section. If a member who is married files an election which is not signed by the spouse, the state board of retirement shall notify the member's spouse within 15 days by registered mail of the option election and the election shall not take effect until 30 days after the date on which the notification was sent, any such election may be changed by the member at any time within 30 days or at any other time permitted under said chapter 32. Nothing in this section shall affect the effective date of any retirement allowance but, in the event of any election having been filed which is not so accompanied, the payment of any allowance so elected shall not be commenced earlier than 30 days after the state board of retirement sends the required notice.

(HHH) The state board of retirement shall provide retirement counseling to employees who choose to consider retiring or who choose to retire under the retirement incentive program. Such counseling shall include, but not be limited to, the following: (i) a full explanation of the retirement benefits provided by sections DDD to JJJ, inclusive; (ii) a comparison of the expected lifetime retirement benefits payable to an employee under the retirement incentive program and under the existing chapter 32 of the General Laws; (iii) the election of a retirement option under section 12 of said chapter 32; (iv) the restrictions on employment after retirement; (v) the laws relative to the payment of cost-of-living adjustments to the retirement allowance; and (vi) the effect of federal and state taxation on retirement income. The group insurance commission shall provide counseling about the provision of health care benefits under chapter 32A of the General Laws. Each such employee shall sign a statement that he has received the counseling or that he does not want to receive the counseling prior to the approval by the state board of retirement of

such employee's application for superannuation benefits and the additional benefit provided by sections DDD to JJJ, inclusive.

Pursuant to section 98 of said chapter 32, the state treasurer may make advance payments in an amount not to exceed any retirement allowance actually due to an employee who is eligible for and who has filed an application for retirement under the retirement incentive program and who does not receive a retirement allowance within 90 days after submitting a retirement application, during such period as is necessary for the processing of the application for retirement.

(III) The comptroller, in conjunction with the state board of retirement, shall certify to the house and senate committees on ways and means within 30 days of the cessation of manual toll collection on the turnpike the total value of compensation of the last pay period prior to the last day of manual toll collection on said turnpike, of each individual that has enrolled in the retirement incentive program.

(JJJ) The provisions of sections DDD to JJJ, inclusive shall take effect on June 30, 2016 or the last day of manual toll collection on the turnpike, as defined in section 1 of chapter 6C, as certified to the state retirement board by the secretary of transportation or his designee, whichever date is later.